

MINUTES



Ordinary Meeting of Council

Held at the
Civic Centre
511 Burwood Highway
Wantirna South
On
Tuesday 29 January 2019

The meeting commenced at 7.00pm.

PRESENT:

Cr J Keogh (Mayor)	Dobson Ward
Cr P Lockwood (Deputy Mayor)	Baird Ward
Cr J Mortimore	Chandler Ward
Cr A Gill	Dinsdale Ward
Cr T Holland	Friberg Ward
Cr L Cooper	Scott Ward
Cr D Pearce	Taylor Ward
Cr N Seymour	Tirhatuan Ward
Mr T Doyle	Chief Executive Officer
Dr I Bell	Director – Engineering & Infrastructure
Mr P Dickie	Acting Director - City Development
Mr M Fromberg	Director – Corporate Services
Ms T Clark	Director – Community Services
Mr P McQue	Manager, Governance and Strategy

THE MEETING OPENED WITH A PRAYER, STATEMENT OF ACKNOWLEDGEMENT AND A STATEMENT OF COMMITMENT

“Knox City Council acknowledges we are on the traditional land of the Wurundjeri and Bunurong people and pay our respects to elders both past and present.”

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6.3 52 Kathryn Road, Knoxfield

SUMMARY: Acting Principal Planner, Phillip Singh

Planning Application P/2018/6371 for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Refusal to Grant a Planning Permit for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield, subject to the refusal grounds outlined in the full recommendation in section 10 below.

1. INTRODUCTION

A new application P/2018/6371 has been lodged with Council for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield.

The application is being reported to Council as it has been called up by Cr Holland.

The application is considered to be unsatisfactory, as it does not meet the standards and policies of the Knox Bush Suburban Character area, the Planning Policy Framework, Local Planning Policy Framework, the Purpose of the General Residential 5 Zone (GR5Z), and the Environmental Significance Overlay – Schedule 2 (ESO2).

It is noted that a previous development application affecting this site as well as 48 Kathryn Road was refused by Council and VCAT.

2. DISCUSSION

It is considered that the development is not an appropriate balance between the need for childcare, additional housing and the loss of vegetation on a significant site. The proposed development is considered to be inconsistent with the State and Local policy direction for urban design and neighbourhood character for the following reasons:

- The proposal is considered to be inconsistent with State Planning Policy Framework including Clause 17 (Economic Development) and Clause 17.01-1 (Business) as the use will impact on adjoining residential land use.
- The proposal is considered to be inconsistent with Local Planning Policy Framework (including the Municipal Strategic Statement), particularly in relation to Clause 22.03 'Non-residential uses in residential areas' as the site is not located on the periphery of retail activity centres or major community facilities.
- The built form and extent of the first floor built form of the dwellings will be inconsistent with the requirements of Clause 15.01-2S (Building design) and Clause 21.05-2 (Urban Design) of the Knox Planning Scheme as the proposal fails to achieve architectural and urban design outcomes that contribute positively to the preferred neighbourhood character and does not respond positively to the characteristics of the surrounding area.

- The proposal does not comply with the preferred future character, dwelling typology and design objectives of the Bush Suburban Area at Clause 22.07-3 of the Knox Planning Scheme.
- The proposed use will have a detrimental impact on the amenity of adjoining and surrounding properties.
- The layout of the proposed development, is not consistent with the purpose and the decision guidelines of the General Residential Zone (Schedule 5).
- The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
- The proposed use and development of the site negatively impacts on vegetation with a high biological value and does not meet the objectives of the Environmental significance Overlay – Schedule 2.
- It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.
- This site of biological significance (Site 41) will be so detrimentally impacted by the proposal that this site of biological significance will cease to exist.

On balance it is considered that the proposal does not satisfactorily respond to State and Local Planning Policies, including the Knox Housing Strategy 2015. It is recommended that a Notice of Refusal to Grant a Planning Permit be issued.

A thorough assessment of the planning application is detailed at Attachment 1 with the Site and Application Plans shown in Attachment 2.

3. CONSULTATION

The application was advertised by way of one (1) sign on the site and notices were sent to adjoining property owners and occupiers. In total 9 objections were received.

The application was referred internally to Council's Traffic Engineer, Stormwater Engineer, Assets Officer, Landscape Officer, Parks Department, Arborist, and ESD Officer. Councils Arborist and Landscape Officers raised significant concerns with the application.

4. ENVIRONMENTAL/AMENITY ISSUES

There are significant environmental impacts and amenity issues associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report in Attachment 1.

5. FINANCIAL & ECONOMIC IMPLICATIONS

There are no financial or economic implications associated with the proposed use/development for Council.

6. SOCIAL IMPLICATIONS

There are no significant social implications associated with the proposed use/development. A thorough assessment of the application against all relevant considerations of the Knox Planning Scheme can be found at Section 4 of the Officer's Report in Attachment 1.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 1 - We value our natural and built environment.

Strategy 1.1 - Protect and enhance our natural environment.

Strategy 1.2 - Create a greener city with more large trees, indigenous flora and fauna.

Strategy 1.3 - Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure.

Goal 2 - We have housing to meet our changing needs.

Strategy 2.1 - Plan for a diversity of housing in appropriate locations.

Strategy 2.2 - Encourage high quality sustainable design.

Strategy 2.3 - Support the delivery of a range of housing that addresses housing and living affordability needs.

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Acting Principal Planner, Phillip Singh - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Acting Manager, City Planning and Building, Greg Kent, - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

The development is not considered to be an appropriate design response for a site in a General Residential Zone (Schedule 5) and within a Bush Suburban Area. It is therefore recommended that Council refuse the application.

10. RECOMMENDATION

That Council issue a Refusal to Grant a Planning Permit for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield, on the following grounds:

- 1. The proposal is considered to be inconsistent with State Planning Policy Framework including Clause 17 (Economic Development) and Clause 17.01-1 (Business) as the use will impact on adjoining residential land use.**

2. The proposal is considered to be inconsistent with Local Planning Policy Framework (including the Municipal Strategic Statement), particularly in relation to Clause 22.03 'Non-residential uses in residential areas' as the design, scale and appearance of the childcare centre does not appropriately reflect the streetscape and residential character of the area.
3. The built form and extent of the first floor built form of the dwellings will be inconsistent with the requirements of Clause 15.01-2S (Building design) and Clause 21.05-2 (Urban Design) of the Knox Planning Scheme as the proposal fails to achieve architectural and urban design outcomes that contribute positively to the preferred neighbourhood character and does not respond positively to the characteristics of the surrounding area.
4. The development is not compliant with standards and objectives of ResCode (Clause 55 of the Knox Planning Scheme), in particular Neighbourhood Character, Residential Policy, Dwelling Diversity, and Landscaping.
5. The proposal does not comply with the preferred future character, dwelling typology and design objectives of the Bush Suburban Area at Clause 22.07-3 of the Knox Planning Scheme.
6. The proposed use will have a detrimental impact on the amenity of adjoining and surrounding residential properties, inconsistent with the purpose and the decision guidelines of the General Residential Zone (Schedule 5).
7. The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
8. The proposed use and development of the site negatively impacts on vegetation with a high biological value and does not meet the objectives of the Environmental significance Overlay – Schedule 2.
9. It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.
10. This site of biological significance (Site 41) will be so detrimentally impacted by the proposal that this site of biological significance will cease to exist.

11. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Acting Principal Planner, Phillip Singh

Report Authorised By: Acting Manager, City Planning and Building, Greg Kent

Attachments

1. Attachment 1 52 Kathryn Road Knoxfield Council Report [6.3.1]
2. Attachment 2 for 52 Kathryn Rd Knoxfield [6.3.2]

RESOLUTION

MOVED: Councillor Holland

SECONDED: Councillor Pearce

That Council:

Issue a Notice of Decision to Grant a Planning Permit for use and development of the land for the purpose of a child care centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield subject to the following conditions:

Amended Development Plans

1. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The upper floor levels of Dwellings 9 and 10 reduced in size to ensure they are significantly setback from the ground floor walls.
 - b) All habitable first floor windows to be screened to 1.7 metres above floor level. Windows may be openable above this height. Adhesive film must not be used.
 - c) Deletion of water tanks.
 - d) Details of consents for access via 48 Kathryn Road.
 - e) The location and details of all low height or bollard type lighting to be installed along the accessways and within the carpark. The lighting must be in accordance with AS1158.
 - f) An Acoustic Report in accordance with Condition 29 and any noise amelioration recommendations shown on the Development Plans.
 - g) An annotation stating that letterboxes and all other structures (including meter boxes) within the splayed entrance area (2m x 2.5m) shall be constructed to a maximum height of 900mm or relocated elsewhere.
 - h) A 2.5 metre (minimum) landscaping strip at the front of the site, and 1.5m landscaping strips along the northern and southern sides of the carpark.
 - i) The child care centre bin storage to be relocated away from the side landscaping buffers.
 - j) A minimum of 11 car parking spaces allocated to staff either by signage or pavement marking.
 - k) Accessway grades to the carpark no steeper than 1:10 (10 per cent) within 5 metres of the frontage.

- l) All vehicles able to enter and exit the site in a forward direction.
- m) The accessible car parking spaces at least 2.4m wide with an adjacent shared area, line marked with symbols and signed. A bollard must be installed in the shared area in accordance with AS2890.6:2009. Accessible parking spaces are to be located as close as possible to entrances and must conform to AS2890.6:2009.
- n) Annotation stating that the car parking area must not be used as a storage area.
- o) The lighting in the car park and pedestrian access in accordance with AS1158.
- p) Details and locations of all tree and vegetation protection fences in accordance with conditions 16-22.
- q) A waste management plan in accordance with condition 28.
- r) Carparking management plan in accordance with condition 16.
- s) A Vegetation management plan in accordance with conditions 26.
- t) A Sustainable Design Assessment in accordance with Condition 14.

To the satisfaction of the Responsible Authority.

Other Plans

- 2. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:
 - a) Drainage plans in accordance with Condition 3.
 - b) Landscape plans in accordance with Condition 4.
 - c) Construction management plans in accordance with Condition 27.

To the satisfaction of the Responsible Authority.

Drainage Plans

- 3. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:
 - a) All stormwater drainage discharge from the site connected to a legal point of discharge.
 - b) Stormwater discharge from property is to be directed to the 525mm diameter Council Stormwater pipe near the southwest corner of the property to Council standards and satisfaction.
 - c) An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
 - d) The on-site detention system to be installed in a suitable location for easy access and maintenance.
 - e) A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
 - f) Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.

- g) Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.
- h) All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

Landscaping

4. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
- a) A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - b) The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines').
 - c) Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
 - d) Details of the surface finishes of pathways and driveways.
 - e) Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
 - f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - g) All vegetation proposed to be retained and protected.
 - h) Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).
 - i) The Landscape plans must show the provision of additional indigenous or native canopy trees chosen from Plant List 1 or 2 of Council's Landscape Plan Guidelines for Planning Permits. These canopy trees must be a minimum 1.5 metres tall when planted and are to be in the following areas:
 - 6 medium to large canopy trees along the front landscaping strip.
 - 4 small canopy trees located along the southern landscaping strip.
 - 5 small canopy trees located along the northern landscaping strip.
 - 2 small canopy trees located in the area adjacent to the bike parking.
 - 12 medium to large canopy trees and 15 large feature shrubs located along the north and eastern boundaries of the play areas. The shrubs are to have a mature height of 4-5 metres
 - 1 medium canopy tree and 1 small canopy tree located in the SPOS of Unit 4.
 - 1 large canopy tree at the northern end of the driveway.
 - 5 small canopy trees along the western end of the driveway.
 - 2 small canopy trees and 4 large feature shrubs in each SPOS of Dwelling 9 and 10.
 - j) Planting of this site to comprise 80% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 100% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan
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Guidelines'. Remaining plant species (100%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds.

- k) Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.
- l) Details and locations of all tree and vegetation protection fences in accordance with conditions 19-25.

To the satisfaction of the Responsible Authority.

- 5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

General

- 7. All development must be in accordance with the endorsed plans.
- 8. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to:
 - 8.1 An open-sided pergola to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of three metres above ground level; or
 - 8.2 A deck to a dwelling with a finished floor level not more than 800mm above ground level.

Where the total floor area of decks and pergolas for each dwelling does not exceed 16m².

- 9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 10. Prior to the occupation of the dwellings the development is to be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
- 11. All walls on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

Number of children

- 12. Except with the prior written consent of the Responsible Authority, no more than 100 children under the care of the centre are permitted to be on the site at any given time.

Hours of Operation

- 13. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 6.00am and 6.30pm Monday to Friday. Staff may be present at the centre outside of these hours. All development must be in accordance with the endorsed plans.

Sustainable Design Assessment

14. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, a Sustainable Design Assessment detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority.
The Sustainable Design Assessment must outline the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.
15. Prior to the occupation of the development, the development must be constructed in accordance with the Sustainable Design Assessment.

Car Parking & Accessways

16. A parking management plan to be submitted that demonstrates how the allocation of car spaces is to be managed and also allows flexibility for allocation should circumstances indicate this as necessary, to the satisfaction of the Responsible Authority.
17. Before the development is occupied, driveways and car parking areas must be:
 - 17.1 Fully constructed to the minimum standard of 125mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and
 - 17.2 Formed to such levels and drained so that they can be used in accordance with the approved plan; and
 - 17.3 Treated with an all-weather seal or some other durable surface; and
 - 17.4 Line-marked or provided with some other adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

18. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.

Tree Protection

19. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority.
Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
20. Prior to any works commencing on the site, all trees and vegetation to be retained including other critical root zones must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by the responsible authority.

21. The fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.4 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
22. The fence and signage is to be maintained throughout the construction period and removed at the completion of all works.
23. No temporary removal of the fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.
24. Prior to erecting the fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
25. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:

Construction activities.

25.1 Dumping and/or storage of materials, goods and/or soil.

25.2 Trenching or excavation.

25.3 Lopping branches, nailing or affixing signs, service lines, lights etc to the trees.

25.4 Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.

Vegetation Management Plan

26. Prior to the issue of a Building Permit under the Building Act 1993 for the development, a Vegetation Management Plan (VMP) prepared by a suitably qualified Ecological consultant to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. The VMP is for the ongoing management of the indigenous vegetation on the site. The VMP is to be lodged as a restriction on title (Section 173 Agreement or other) prior to the operation of the childcare centre, or occupation of the dwellings. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with.

Construction Management Plan

27. Prior to the issue of a Building Permit under the Building Act 1993 for the development, a Construction and Traffic Management Plan (CMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
 - 27.1 A detailed schedule of works including a full project timing;

- 27.2 A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site. The traffic management measures must minimise disruption to the operation of roadway during construction.
- 27.3 The location for the parking of all construction vehicles and construction worker vehicles during construction;
- 27.4 A fully detailed plan indicating where construction hoardings would be located;
- 27.5 A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
- 27.6 Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;
- 27.7 Site security;
- 27.8 Public safety measures;
- 27.9 Construction times, noise and vibration controls;
- 27.10 Restoration of any Council assets removed and/or damaged during construction;
- 27.11 Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- 27.12 Remediation of any damage to road and other infrastructure (limited to an areas reasonably proximate to the site);
- 27.13 An emergency contact that is available for 24 hours a day.
- 27.14 All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- 27.15 During the construction, the following must occur to the satisfaction of the Responsible Authority:
- 27.16 Any stormwater discharges into the stormwater drainage system is to comply with EPA guidelines;
- 27.17 Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enter the stormwater drainage system;
- 27.18 Vehicle borne material must not accumulate on the roads abutting the site;
- 27.19 The cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
- 27.20 All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- 27.21 All site operations must comply with the EPA Publication 1254 (including all revisions or replacement guidelines)

Waste Management

- 28. Prior to the commencement of works, a Waste Management Plan and drawings shall be submitted to and approved by the Responsible Authority. Waste management requirements are as follows;
 - 28.1 Individual Council bins could be provided for this development, however must be serviced within the site and not placed on the naturestrip of Stewart Street at any time
 - 28.2 Council's waste service vehicles could potentially access the bins via the development's internal roadway/driveway, and as such this must be able to

- accommodate 9.6m long and 23 tonne GVM collection vehicles – both structurally and physically
- 28.3 Bins could be emptied at dedicated, easily accessible and appropriately marked collection points within the site, and if determined this will be the case, the applicant will need to stipulate exactly where these are and mark them on the Plan Drawings for secondary review
 - 28.4 The service vehicles will need an appropriate turning area and could potentially use the hammerhead and then exit the development in a forward direction.
 - 28.5 A Council-provided indemnity must be signed by the property owner and/or future Body Corporate to facilitate the above
 - 28.6 Individual 'at call' hard waste bookings and bundled prunings & residents' own container green waste collections will also be collected within the site at the front of each dwelling. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.

Acoustic Report

- 29. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, plans must be submitted to and approved by the Responsible Authority showing that the development has been designed to protect occupants of adjoining residential properties from noise impacts (associated with the child care centre) in accordance with a report from a suitably qualified and experienced Acoustic Engineer who is a current member of the Australian Association of Acoustical Consultants (AAAC).

Amenity

- 30. Noise from the property must not exceed limits prescribed by the State Environment Protection Policy (Control of noise from Commerce Industry & Trade) No. N-1 and State Environment Protection Policy (Control of noise from Public premises) No. N-2.
- 31. All outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent light from the site causing any detriment to the locality.
- 32. The amenity of the area must not be adversely affected by the use or development as a result of:
 - 32.1 Transport of materials, goods or commodities to or from the land.
 - 32.2 Appearance of any building, works, stored goods or materials.
 - 32.3 Emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products or oil.
 - 32.4 The presence of vermin. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.

To the satisfaction of the Responsible Authority.

Fencing

- 33. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.

34. Prior to the occupancy of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Amenity During Construction

35. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
- a) the appearance of building, works or materials on the land;
 - b) parking of motor vehicles;
 - c) transporting of materials or goods to or from the site;
 - d) hours of operation;
 - e) stockpiling of top soil or fill materials;
 - f) air borne dust emanating from the site;
 - g) noise;
 - h) rubbish and litter'
 - i) sediment runoff'
 - j) vibration.

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

36. Stormwater runoff from all buildings and hardstanding surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.

External Materials

37. The external materials of the development hereby permitted (including the roof) must be non-reflective and finished in subdued tones and/or colours to the satisfaction of the Responsible Authority.

Permit Expiry

38. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.
- The total Permissible Site Discharge for the property including all dwellings is 19.1L/s to the existing Council drainage system for a 5 year ARI event.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, eg water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- The vegetation south of the car port and the tandem space for the existing must be kept low to allow vehicles accessing the proposed dwelling and existing dwelling to observe one another.
- Vehicles must enter and exit the proposed dwelling in a forward direction.
- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- Letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.

- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

LOST

RESOLUTION

MOVED: Councillor Mortimore

SECONDED: Councillor Cooper

That Council issue a Refusal to Grant a Planning Permit for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield, on the following grounds:

- 1. The proposal is considered to be inconsistent with State Planning Policy Framework including Clause 17 (Economic Development) and Clause 17.01-1 (Business) as the use will impact on adjoining residential land use.**
- 2. The proposal is considered to be inconsistent with Local Planning Policy Framework (including the Municipal Strategic Statement), particularly in relation to Clause 22.03 'Non-residential uses in residential areas' as the design, scale and appearance of the childcare centre does not appropriately reflect the streetscape and residential character of the area.**
- 3. The built form and extent of the first floor built form of the dwellings will be inconsistent with the requirements of Clause 15.01-2S (Building design) and Clause 21.05-2 (Urban Design) of the Knox Planning Scheme as the proposal fails to achieve architectural and urban design outcomes that contribute positively to the preferred neighbourhood character and does not respond positively to the characteristics of the surrounding area.**
- 4. The development is not compliant with standards and objectives of ResCode (Clause 55 of the Knox Planning Scheme), in particular Neighbourhood Character, Residential Policy, Dwelling Diversity, and Landscaping.**
- 5. The proposal does not comply with the preferred future character, dwelling typology and design objectives of the Bush Suburban Area at Clause 22.07-3 of the Knox Planning Scheme.**
- 6. The proposed use will have a detrimental impact on the amenity of adjoining and surrounding residential properties, inconsistent with the purpose and the decision guidelines of the General Residential Zone (Schedule 5).**
- 7. The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.**
- 8. The proposed use and development of the site negatively impacts on vegetation with a high biological value and does not meet the objectives of the Environmental significance Overlay – Schedule 2.**
- 9. It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.**
- 10. This site of biological significance (Site 41) will be so detrimentally impacted by the proposal that this site of biological significance will cease to exist.**

A Division was called by Councillor Holland

**For the motion: Councillor Mortimore, Councillor Keogh, Councillor Gill, Councillor Cooper,
Councillor Seymour**

Against the motion: Councillor Holland, Councillor Pearce

Councillor Lockwood abstained from the vote

CARRIED 5:2

Attachment 1



Planning Application P/2018/6371 for the use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation.

1. Summary:

Subject Site:	52 Kathryn Road, Knoxfield
Proposed Development:	Use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation
Existing Land Use:	Vacant
Site Area:	3947sqm
Planning Scheme Controls:	General Residential Zone – Schedule 5, Environmental Significance Overlay 2
Application Received:	27 June 2018
Number of Objections:	9
PCC Meeting:	Not Applicable
Ward:	Friberg

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2018/6371 to assist in making a decision on the application. It should be read in conjunction with the other appendices.

2. Background

2.1 Previous Application and VCAT Decision

On 24 October 2014, Council received a planning application (P/2014/6925) for the subdivision of the land into 15 lots at 48-52 Kathryn Road, Knoxfield. Council refused the application, and the applicant appealed Council's decision to VCAT. The matter was heard at VCAT on 9, 11 and 14 November, and 19 December 2016. On 30 January 2016, VCAT issued its decision to uphold Council's refusal of the application. VCAT found that :

- The proposed development was not a balanced design between the purposes of the residential zoning and the overlays.
- The proposal had insufficient regard to the environmental values of the Environmental Significance Overlay – Schedule 2 (ESO2) and Vegetation Protection Overlay – Schedule 4 (VPO4), and that the chosen subdivision layout required the substantial removal of vegetation from the site (it is noted that the VPO4 applies to the land at 52 Kathryn Road which was part of the application site for the VCAT appeal, but does not cover this site).

- Consideration needed to be given to achieving a layout which allowed for a greater retention of existing vegetation in a manner that supports its ongoing viability so as to maintain and enhance its ecological value both within the site and in the broader context. This is likely to mean the creation of larger, and fewer, lots than is proposed by this application.

2.2 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 2.

- The subject site is located on the east side of Kathryn Road in Knoxfield, is rectangular in shape, and has a frontage to Kathryn Road of 32.20 metres and a depth of 122.59 metres. The site has an area of 3947m².
- No crossover exists along the front boundary.
- The Land is current vacant and heavily vegetated in the rear 3 quarters of the land. The land is designated as Site of Biological Significance 41.
- The majority of the area surrounding the site (off Kathryn Road) consists of residential dwellings constructed in the 1970's. Larger sites accessing Kathryn Road have been redeveloped with residential multi unit developments.
- Approximately 550 metres to the south is the Knoxfield Neighbourhood Activity Centre, comprising of a variety of shops and restaurants.

2.3 The Proposal

The proposal seeks permission for the use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation. Refer to attached plans in Attachment 2. Details of the proposal are as follows:

- The use and construction of a childcare centre caring for up to 100 children.
- Up to 22 staff are expected to work in the childcare centre, with the hours of operation being 6.00am to 7pm Monday to Friday.
- The construction of 2 double storey dwellings. The dwellings are proposed to have access from the application at No.48 Kathryn Road (this application is scheduled for consideration by Council on 29/1/2018).
- One dwelling is proposed to contain 4 bedrooms, and the other dwelling is to contain 3 bedrooms (plus study). Each dwelling comprises of multiple living areas, kitchen, bathrooms general amenities and double car garages.
- Each dwelling will be provided with a crossover to the common property access road. The common driveway is to access the common road at No.48 Kathryn Road.
- Access to the childcare centre is proposed from Kathryn Road via a double crossover, which leads to an internal car parking area containing 22 car parking spaces.
- The 3rd quarter of the land is proposed to be a private nature reserve. No specific details of how this reserve will be managed has been provided, other than that it would be a private reserve primarily for the conservation of habitat, and also for low impact supervised small group environmental education for children of the childcare centre.
- Building coverage is 23%, total hard surface is less than 40%.
- 101 Trees are proposed to be removed. 77 trigger a permit under the ESO2, which is much of the flora and fauna of the site of biological significance. 39 Trees are proposed to remain on the land.

3. Consultation

3.1 Advertising

The application was advertised by way of a sign on the site and notices were sent to adjoining property owners and occupiers. In total 9 objections were received and are summarised below.

Over-development

- The proposal is considered to be an overdevelopment of the site. The scale and bulk of the childcare centre combined with the number of children proposed (100) and vegetation losses due to both the childcare centre building, car parking, and the two dwellings to the rear are all too large for the site constraints and do not comply with the objectives of 'Bush Suburban Areas'. This is further discussed in section 4 of this report.
- The total vegetation loss across the site of biological significance is considered excessive, and does not provide an appropriate balance between the development of the site and protection of native vegetation within a site of biological significance.

Increased traffic

- The development meets the car parking and accessway requirements of Clause 52.06 of the Knox Planning Scheme for off street parking, whilst the application was referred to Council's Traffic Department for comment, with no objection raised.

Environmental / Vegetation losses

- The location of the buildings and hard surface areas requires 77 trees to be removed that trigger a permit under the ESO2.
- Whilst some of the vegetation is proposed to be retained within the private nature reserve (Habitat Zone 1), a large amount of significant vegetation (both ground storey and upper storey) to the east and west of Habitat Zone 1 is proposed to be removed.
- This will detrimentally impact upon this patch of vegetation and what will be left is a small patch of vegetation with very little value in terms of Biological Significance.
- The proposal does not demonstrate reasonable measures to avoid or minimise the loss of native vegetation as per the application requirements of the ESO2 in the Planning Scheme.

There is an existing child care centre located locally

- It is acknowledged that there are nearby child care centre on Kathryn Road (near Ferntree Gully Road)
- Regardless, a child care centre is a "permit required" use in the zone, as such any application for the use should be assessed on its merits, based on the level of compliance with the requirements of the Planning Scheme at the time of assessment. The planning scheme provisions cannot determine the maximum number of any allowable use in any given area. However, it is considered that the scale of the childcare centre is not appropriate for the site. This is further discussed in Section 4 of this report.

3.2 Referrals

The application was referred to external authorities and internal departments for advice. The following is a summary of relevant advice:

Landscape: Objection raised;

Councils Arborist objected to the proposal and advised that the proposal does not meet the key objectives of the ESO2 as outlined in the Planning Scheme.

Whilst some of the best vegetation is being retained, some very good vegetation (both ground storey and upper storey) to the east and west of Habitat Zone 1 is proposed to be removed.

This will essentially destroy the ESO2 and what will be left is a small patch of vegetation with very little value in terms of Biological Significance.

The proposal does not demonstrate reasonable measures to avoid or minimise the loss of native vegetation as per the application requirements of the ESO2 in the Planning Scheme.

As it currently stands, this proposed development should be refused in regard to the ESO2 and the failure to meet the objectives outlined in the Planning Scheme.

Stormwater: No objection, subject to conditions which will be included in any planning permit to be issued.

Traffic Engineer: No objection, subject to conditions in any planning permit to be issued.

Assets: No objection, subject to conditions to be included in any planning permit to be issued.

Waste: A Waste Management Plan for the waste collection service is required.

City Futures: City Futures does not generally support removal of vegetation within the ESO2. The Scheme's intent for ESO2 areas is of "protection" and "enhancement" rather than a "balance" by sacrificing some vegetation. Further, concerns have been raised about potential noise impacts from the use.

4. Discussion

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

4.1 Zoning and Overlays

4.1.1 Zone

The site is located within the General Residential Zone – Schedule 5 (GRZ5). A permit is required for the construction of two or more dwellings on a lot. Schedule 5 to the General Residential Zone varies the ResCode requirements for Standard B8 (Site Coverage), Standard B13 (Landscaping), Standard B28 (Private Open Space) and Standard B32 (Front Fence Height).

Pursuant to Clause 32.08-2 of the Knox Planning Scheme, a planning permit is required to change the use of the site to a child care centre. A permit is also required for the construction of two or more dwellings on a lot, and buildings and works associated with a Section 2 Use.

The purpose of the GRZ5 is to encourage development that respects the neighbourhood character of the area; to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport; to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

- The proposal is not consistent with the purpose of the General Residential Zone as the application proposes dwellings at the rear that do not respect the neighbourhood character of the area.
- A child care centre is compatible with residential use as it will serve the local community. However, the design, height, setbacks and appearance of the proposed buildings and works are not compatible with the character of the area and will be dominant from within the streetscape.

- The proposed childcare centre and will operate from 6.30am to 6.30pm Monday to Friday, which will be consistent with the operations of most child care centres in Metropolitan Melbourne., however the centre proposes a maximum number of 100 children, which is considered to be too large in size, and not suitable for the area.
- Landscaping - The site cannot accommodate new canopy trees to meet the minimum landscaping requirements for Standard B13, and there is too much existing canopy tree and understorey loss in the proposal, on a site of biological significance.
- Front Fence Height – No front fence is proposed.
- The childcare centre building is well setback from the frontage, however the setback contains the required 22 car spaces. The minimal landscape buffer separating the road from the carparks is insufficient for meaningful landscaping that supports the existing and preferred character of the area.

4.1.2 Overlays

The site is located within the Environmental Significance Overlay 2 relating to Sites Of Biological Significance.

Under the Decision Guidelines of the overlay, it is required to consider the policy framework and the Statement of Environmental Significance in Schedule 2 of the overlay. The Statement of Environmental Significance states that the areas covered by this overlay include some of the most significant indigenous remnant vegetation in Knox, and that the reason this site's inclusion is that it was identified in 'Sites of Biological Significance in Knox – 2nd Edition'.

- The proposal fails to meet the objectives of the ESO2. The vegetation removal is excessive and the site layout is not sympathetic to vegetation protection. The site contains a highly significant stand of vegetation, and the design response is not sympathetic of this vegetation. Vegetation within the proposed development is subservient to the construction proposed, and the design has failed to properly consider this vegetation. Whilst in isolation, the idea of the private nature reserve seems good, due to the proposed loss of significant vegetation to the east and west of the reserve, the significance of this stand of vegetation within a site of biological significance will be detrimentally reduced and compromised. This is not considered to be a good design response, and is a tokenistic design solution to this important site constraint.

4.2 Policy Consideration: State and Local Planning Policy Framework

State and local policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development.

The key themes for the assessment of the application include Housing, Sustainability and Environment, Transport and Urban Design (including neighbourhood character).

4.2.1 Housing

Clause 16 Housing: Encourage the development of well-designed medium-density housing that respects the neighbourhood character; improves housing choice; makes better use of existing infrastructure; and, improves energy efficiency of housing. Locate new housing in or close to activity centres and employment corridors and at other strategic development sites that offer good access to services and transport.

Municipal Strategic Statement: Council's MSS encourages development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development, and influencing the urban form so that Knox itself becomes more sustainable. The MSS makes specific reference to the diversifying and aging population in Knox which will see an increase in the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years.

Clause 21.06 Housing: The Housing theme implements the Knox Housing Strategy 2015. In managing the City of Knox's current and future housing needs, Council supports a scaled approach to residential development. This scaled approach recognises that some parts of the City will need to accommodate change, due to population growth and the community's changing household needs. Development in residential areas will need to respond positively to the desired future character of the local area and take account of the particular built form and natural environmental elements that make up the neighbourhood character of Knox. The strong landscape character is the unifying element of the neighbourhood character of Knox.

The subject site is located within a "Bush Suburban" area, which includes two distinct areas: the Dandenong Foothills and the Sites of Biological Significance; these areas have distinct and significant biological values. Limited and low scale residential development is anticipated in these areas in order to protect the environmental and biological qualities that make these areas distinct.

- The location of the site is identified in the Housing Framework Map to be in within a "Bush Suburban Area" where low-scale residential development that contributes to the green and leafy character of the area is encouraged. The proposed built form in the ground floor, visual impact of the upper floors of the dwellings and lack of meaningful replacement landscaping opportunities across the site are not respectful with the preferred character of the area where the built form should be subservient to the landscape character.
- Whilst some landscaping can be accommodated within the open space of the development, there is minimal opportunity for the planting of replacement canopy trees across the remainder of the site.
- The proposal will not contribute to and enhance the bush suburban character of the area.
- Location – While the site is not located within an Activity Centre, it has access to a number of urban services within an established area. The subject site is capable of accommodating the proposed dwellings whilst making a positive contribution to the character of the area. Refer to the assessment against Council's Neighbourhood Character Policy below in Section 4.2.4.

4.2.2 Sustainability and Environment

Clause 12.01-2S Native Vegetation Management: Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

Clause 15.02 Sustainable Development: Ensure that land use and development is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 21.03 Environmental and Landscape Values: This policy identifies the following relevant key issues:

- Maintaining and strengthening Knox's 'green and leafy' image and its identifiable landscape character, despite development pressures.
- Recognising the importance of retaining canopy trees as the single most important factor in retaining Knox's landscape character and its natural environment.

Clause 22.04 Environmentally Sustainable Development: This new policy introduced into Knox Planning Scheme under Amendment C150 requires applicants to address Environmentally Sustainable Development (ESD) principles including energy performance, water resources, indoor environmental quality, stormwater, waste management, transport and urban ecology, by applying these principles within the proposed development.

- The proposed development has not appropriately considered the objective and strategies of Clause 12.01-2S. The development has neither avoided the removal of significant protected vegetation, nor has the impacts of such removal been minimised to a satisfactory level. The chosen design response has not appropriately considered this vegetation, nor the three-step approach to native vegetation management.
- The proposal does not support Council's green leafy image, which is highly valued by the community. An important stand of vegetation is proposed to be removed as a result of the proposal, and the applicant has failed to recognise the importance of retaining this stand of vegetation on the site.
- An amended Sustainable Design Assessment will be required as a condition of any permit issued.

4.2.3 Transport

Clause 18 Transport – Ensure that access is provided to all available modes of transport.

- The site is located approximately 30 metres walking distance from a bus stop on Kathryn Road (route 578). This service provides connectivity to Knox Central Principal Activity Centre.

4.2.4 Urban Design (including Neighbourhood Character)

Clause 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflects the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

Clause 21.05 Built Environment and Heritage – Development should address needs of changing household structures, creating high quality, well-designed places that respect and strengthen the local context and landscape qualities of Knox. It is important to achieve environmentally sustainable development that contributes to a more liveable and sustainable Knox, including efficient use of urban water runoff and the quality of stormwater entering waterways.

Housing liveability and amenity for occupants should be improved by supporting indoor environment quality (such as access to daylight and ventilation).

Clause 22.07 Development in Residential Areas and Neighbourhood Character: Clause 22.07 identifies the subject site within a Bush Suburban area, which have distinctive and significant environmental and biological values.

The proposed development is considered to be inconsistent with the state and local policy direction for urban design and neighbourhood character for the following reasons:

- The proposed built form is not nestled into the landscape. The limited landscaping opportunities cannot minimise the visual impact of the proposed built form or replace the removed vegetation.
- The proposed built form is not consistent with the existing and preferred neighbourhood character.
- The proposed extent of built form will not facilitate vegetation protection across the site that will be consistent with the Bush Suburban area.
- The first floor of each dwelling has been marginally reduced in relation to the ground floor to provide some articulation to the built form of the upper floors of the dwellings. However, the extent of the upper floor elements of the dwellings is substantial and will increase the visual bulk of the development the adjoining sites, especially to the rear.
- The proposal is not considered to contribute to the protection and enhancement of Knox's distinctive environmental and biological values, or have built form that is subservient to the area's landscape dominant character.

- Minimal effort have been put in to retaining existing canopy trees and understorey planting.
- All ground floors have flat roof sections, rather than the preferred pitched, hipped or gabled roof forms.

4.2.5 Non-Residential uses in Residential Areas

Clause 17 – Economic Development – Provide for a strong innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic wellbeing of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts.

Clause 17.02-1 Business - To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 22.03 Non-Residential Uses in Residential Areas - It is policy to support local employment opportunities and reduce dependence upon car based travel by encouraging non-residential uses to generally locate in and around activity centres and other commercial precincts. This supports multipurpose trips and the use of public transport to access multiple businesses.

Despite these broader objectives, it is recognised that residential areas require some complementary non-residential uses for the convenience of residents, supporting opportunities for living close to local services and facilities. These uses include medical centres, veterinary centres, display homes, convenience shops, child minding centres, places of assembly and places of worship. Care must be taken in siting and designing these facilities to avoid any negative impact on the residential amenity of an area and to avoid inappropriate development of defacto commercial precincts.

It is policy that (as relevant):

“The design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area.

“Development is similar in character, scale, setback and height to development in the surrounding neighbourhood.”

“Development responds appropriately to the character of the local neighbourhood through its use of materials, colours and landscaping.”

“Expansion of existing non-residential activities be permitted, provided amenity is improved or not further detrimentally affected.”

“Development is designed to minimise intrusion on residential amenity specifically overlooking, overshadowing and excessive noise.”

The proposed development is considered to be inconsistent with the state and local policy direction for non residential uses within residential areas for the following reasons:

- While it is acknowledged the proposed use will contribute to the economic growth and development of the area by providing for additional community services, the appearance of the site (including hardsurfaces/car parking within the frontage) will be dramatically changed when viewed from the street.
- There is limited space available to provide for meaningful landscaping within the frontage, inconsistent with the residential and streetscape character of the area, on a site within the Bush Suburban area and a site of biological significance.

- It is considered that the limited community benefit resulting from the proposal does not offset the negative impact of the proposal on the surrounding residential amenity.

4.3 Particular Provisions

Clause 52.06 Car Parking: Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 specifies a ratio of two car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) and one visitor space to every five dwellings for developments of five or more dwellings. A permit may be granted to reduce or to waive the number of car spaces required by the table.

Clause 52.06-8 details the design standards for car parking. The provision of car parking should meet the design requirements of this Clause. An assessment of the design standards, including any areas of non-compliance are considered below:

- Car parking provision: The proposal satisfies the car parking provision as the childcare centre is proposed to contain 22 car spaces, and each dwelling is provided with a double garage
- Car parking design: Although the car parking layout provides adequate ingress / egress, the location in the front setback with limited buffers to the road is not considered appropriate.

4.4 Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (ResCode)

Neighbourhood Character and Infrastructure

Neighbourhood Character – The development does not comply with Neighbourhood Character, refer above.

Residential Policy – Does not Comply, refer above.

Dwelling Diversity – NA

Integration with the Street – Complies.

Site Layout and Building Massing

Street Setback – Complies.

Building Height – Complies.

Site Cover/Permeability – Complies.

Energy Efficiency – Complies.

Open Space – NA.

Safety – Complies.

Landscaping – Does not Comply. Excessive vegetation losses cannot be covered by new replacement canopy tree plantings.

Access – Complies.

Parking Location – Complies.

Amenity Impacts

Side and rear setbacks – Complies.

Walls on boundaries – Complies.

Daylight to existing windows/north facing windows – Complies.

North-facing windows – Complies.

Overshadowing open space – Complies.

Overlooking – Can comply, Highlight windows and frosted glass must be used on upper level windows to prevent overlooking.

Noise Impacts – Complies.

On-Site Amenity and Facilities

Accessibility – Complies.

Daylight to new windows – Complies.

Private Open Space – Complies.

Solar access – Complies.

Storage – Complies.

Detailed Design

Design Detail – Complies.

Common Property – Does not Comply. Access to the dwellings is proposed via an adjoining site. No permit has been issued for the neighbouring land, and the access way has not been approved.

Site Services – Can comply. Details of letterboxes will be required as permit of any permit to issue.

Front fence – NA.

4.5 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.

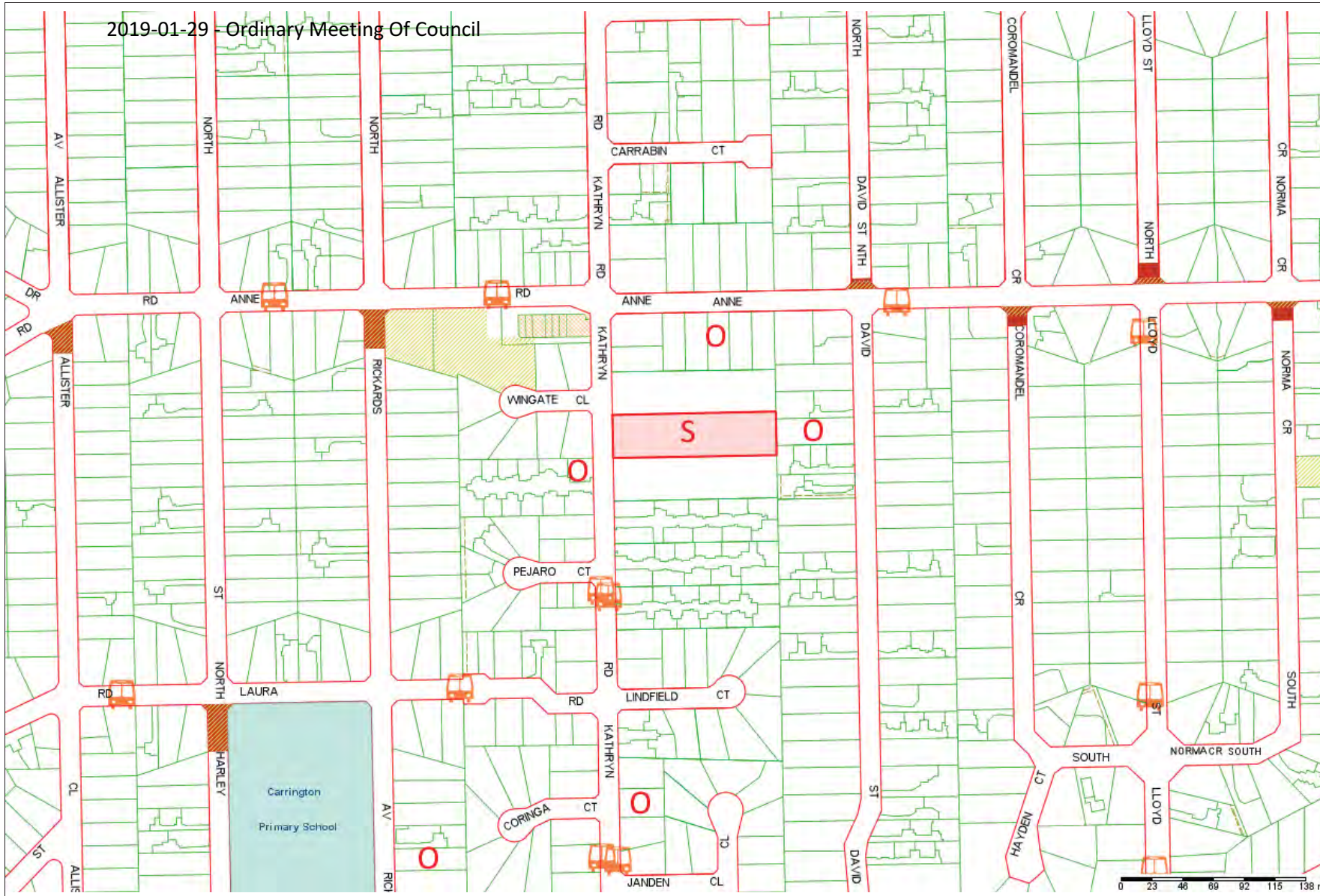
4.6 Other Considerations

The proposed development does not appropriately address the previous VCAT decision in relation to the site. Whilst the proposal is now a change of use/multi-dwelling application, the proposal still does not provide an appropriate balance between the retention of existing remnant vegetation, and increased densities on the site. In addition, the advice from VCAT that the lots should be larger and fewer have not been appropriately addressed in this application, with two dwellings squashed to the rear of the site, and a large commercial childcare centre and car park occupying a large portion of the site. This combined with removal of 77 protected trees from the site does not respond to the issues raised in the VCAT decision.

5. Conclusion

Clause 10.04 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the proposal is considered inappropriate given the following:

- The proposal is considered to be inconsistent with State Planning Policy Framework including Clause 17 (Economic Development) and Clause 17.01-1 (Business) as the use will impact on adjoining residential land use.
- The proposal is considered to be inconsistent with Local Planning Policy Framework (including the Municipal Strategic Statement), particularly in relation to Clause 22.03 'Non-residential uses in residential areas' as the design, scale and appearance of the childcare centre does not appropriately reflect the streetscape and residential character of the area.
- The built form and extent of the first floor built form of the dwellings will be inconsistent with the requirements of Clause 15.01-2S (Building design) and Clause 21.05-2 (Urban Design) of the Knox Planning Scheme as the proposal fails to achieve architectural and urban design outcomes that contribute positively to the preferred neighbourhood character and does not respond positively to the characteristics of the surrounding area.
- The development is not compliant with standards and objectives of ResCode (Clause 55 of the Knox Planning Scheme), in particular Neighbourhood Character, Residential Policy, Dwelling Diversity, and Landscaping.
- The proposal does not comply with the preferred future character, dwelling typology and design objectives of the Bush Suburban Area at Clause 22.07-3 of the Knox Planning Scheme.
- The proposed use will have a detrimental impact on the amenity of adjoining and surrounding residential properties, inconsistent with the purpose and the decision guidelines of the General Residential Zone (Schedule 5).
- The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
- The proposed use and development of the site negatively impacts on vegetation with a high biological value and does not meet the objectives of the Environmental significance Overlay – Schedule 2.
- It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.
- This site of biological significance (Site 41) will be so detrimentally impacted by the proposal that this site of biological significance will cease to exist.



Address 52 Kathryn Road,
KNOXFELD

Application Number P/2018/6371

Description The use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and the removal of native vegetation

Ward Friberg

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition

Scale: 1:3000

DISCLAIMER:
 Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DPCD, Knox City Council
 Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



Address 52 Kathryn Road,
KNOXFIELD

Application Number P/2018/6371

Description The use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and the removal of native vegetation

Ward Friberg

- LEGEND:**
- Title Boundary
 - Road Boundaries
 - City Boundary
 - Bus Route
 - Reserves
 - Commercial Areas
 - Tertiary Schools
 - Primary Schools
 - Secondary Schools
 - P-12 School
 - Bus Stops
 - Objector
 - Unit Development
 - Subject Property
 - Petition

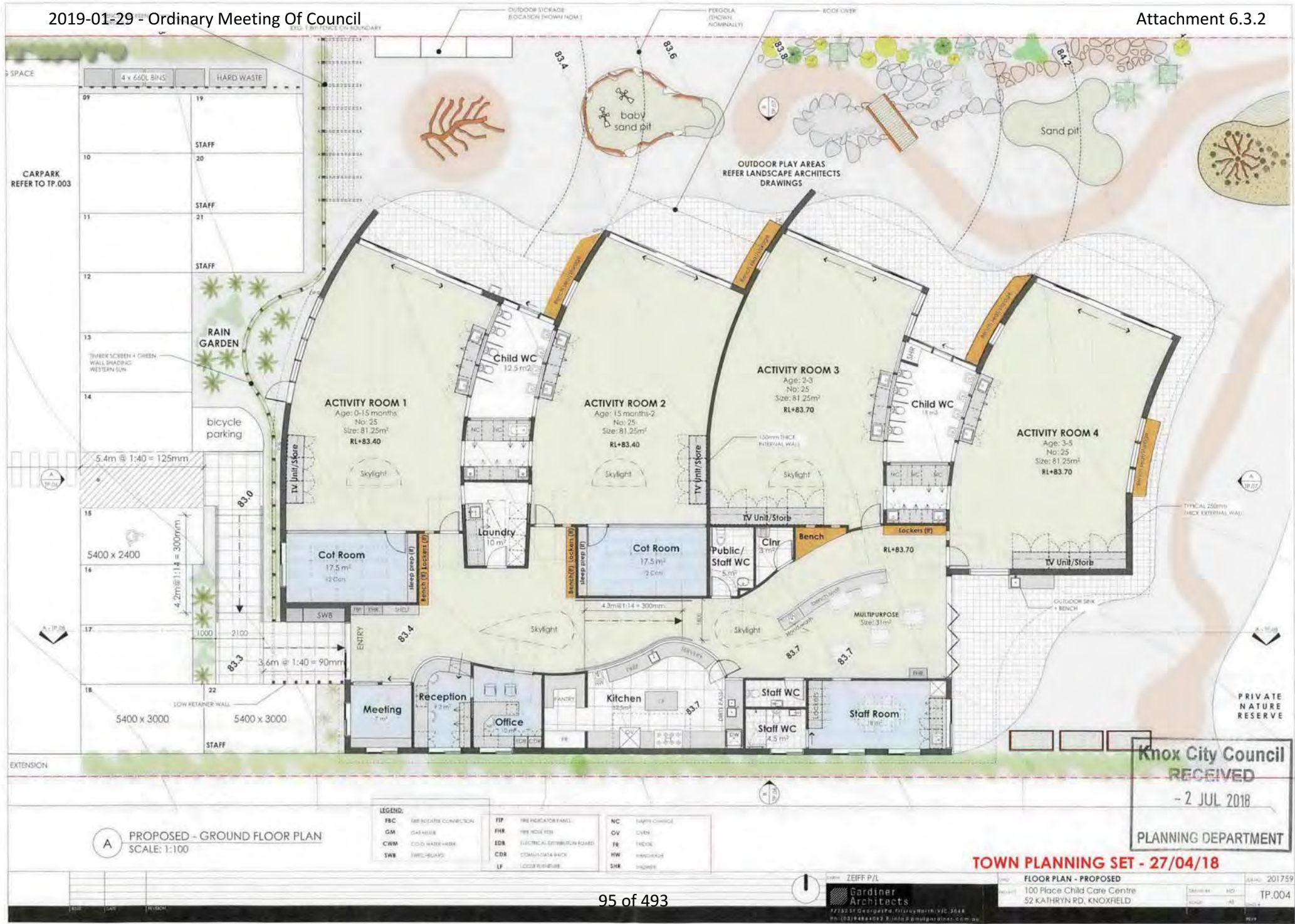
 Scale: 1:3000

DISCLAIMER:
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52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



A PROPOSED - GROUND FLOOR PLAN
SCALE: 1:100

LEGEND:

FBC	FIRE ESCAPE CONNECTION	FIP	FIRE INDICATOR PANEL	NC	NIGHT CHARGE
GM	GAZ METER	FHR	FIRE HOSE REEL	OV	OVEN
CWM	COLD WATER METER	EDB	ELECTRICAL DISTRIBUTION BOARD	FR	FRENCH
SWB	SWITCHBOARDS	CDR	COMMUNICATOR BOARD	HW	HANDWASH
		LF	LOOSE FURNITURE	SHR	SHOWER

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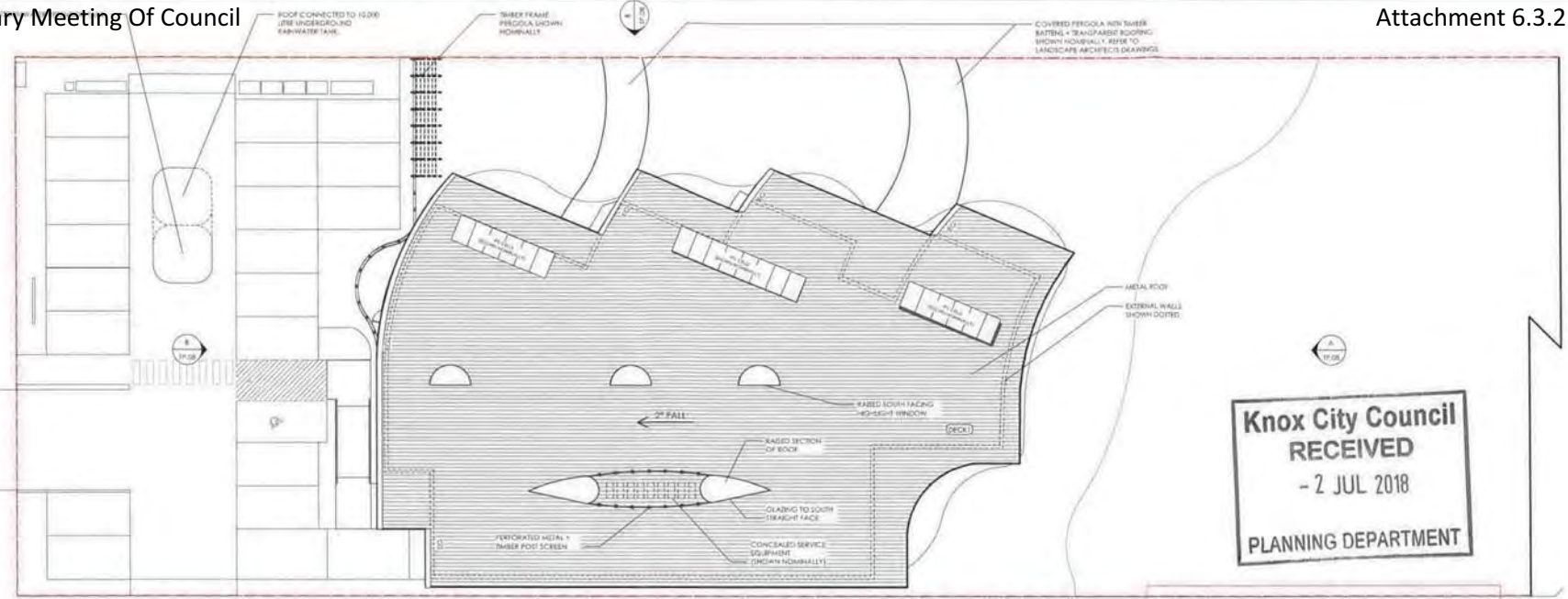
TOWN PLANNING SET - 27/04/18

PROJECT	FLOOR PLAN - PROPOSED	DATE	2017/59
ADDRESS	100 Place Child Care Centre	SCALE	AS SHOWN
	52 KATHRYN RD, KNOXFIELD		TP.004

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2

2019-01-29 - Ordinary Meeting Of Council

WATER HARNESSING
TWO 60L OF ROOF USED FOR WATER HARVESTING CONNECTED TO RAINWATER TANK WITH GUTTER GUARD PROTECTED. CONNECTED TO ALL ISOLATE (1) FOR FLUSHING WITH A FIRST FLUSH SYSTEM (OR ALTERNATIVE). RAINWATER ALSO USED FOR IRRIGATION.



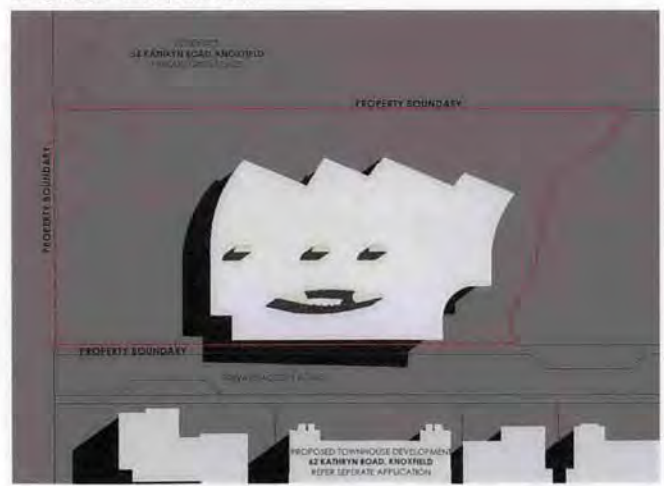
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ROOF LEGEND

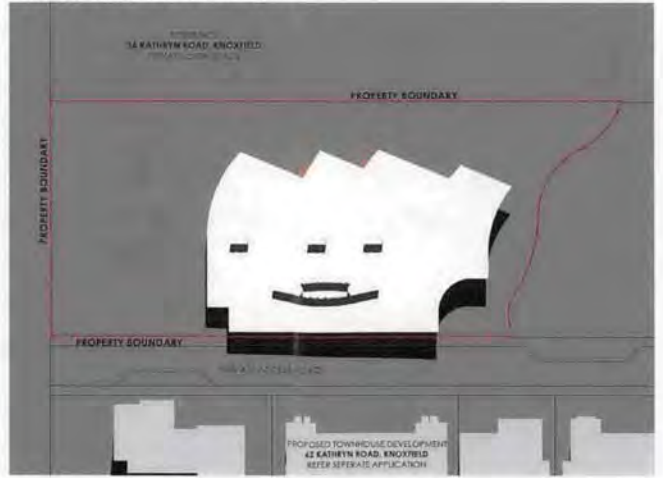
GENERAL		
TC	TRUSS CUTTING	PRODUCT: METAL TRUSS CUTTING MATERIAL: COLORBOND COLOUR: TO MATCH ROOFING
ROOFING		
DECK	DECK ROOFING	STANDING SEAM COLORBOND PRODUCT: LEADLINE LONGLINE OR SUGAR MATERIAL: COLORBOND COLOUR: SURFING OR SUGAR (TC)

A PROPOSED - ROOF PLAN
SCALE: 1:200

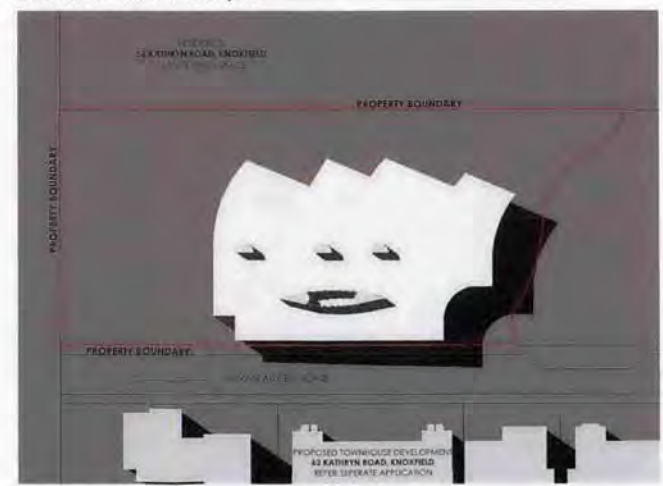
PROPOSED - SEPTEMBER 9am



PROPOSED - SEPTEMBER 12noon



PROPOSED - SEPTEMBER 3pm



B PROPOSED - SHADOW DIAGRAMS
SCALE: 1:500

TOWN PLANNING SET - 27/04/18

DATE	ZEIFF P/L	NO	ROOF PLAN + SHADOW DIAGRAMS - PROPOSED	DATE	201759
PROJECT	Gardiner Architects	NO	100 Place Child Care Centre	DATE BY	MGD
	7223 E. GARDNER RD. (101) WARRIMOO, VIC 3596	NO	52 KATHRYN RD, KNOXFIELD	SCALE	AB
	PH: 182 288 8822 E: info@gardinerarch.com.au				TP.005





A PROPOSED - WEST ELEVATION
SCALE: 1:100



B PROPOSED - SOUTH ELEVATION
SCALE: 1:100

ELEVATION LEGEND

-  (BB1) STACKED BOND BRICKS
PRODUCT: KOWRAL 52 BY AUSTRAL BRICKS OR SIMILAR
COLOUR: CHILBINGHAM WHITE
-  (TLB) PRODUCT: "SHIPLAP" TIMBER LING BOARD CLADDING
LAID: VERTICALLY
SPECIES: SILVERTOP ASH (OR SIMILAR)
SIZE: 110x19mm (TBC)
FINISH: "CUTEX CLEAR" STAINED (TO MANUFACTURERS SPECS) TO BOTH SIDES
NOTE: TIMBER TO BE FSC OR PEFC CERTIFIED

-  (MESH) PERFORATED METAL SHEET/MESH TO PERGOLA, FENCE AND SERVICES AREA ON ROOF
PRODUCT: TEC
MATERIAL: METAL
COLOUR: SILVER OR WHITE
-  (TMB) TIMBER BATTENS
MATERIAL: SILVERTOP ASH (OR SIMILAR)
COLOUR: "CUTEX CLEAR" STAINED (TO MANUFACTURERS SPECS)
NOTE: TIMBER TO BE FSC OR PEFC CERTIFIED

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TOWN PLANNING SET - 27/04/18

DATE	2017/59
PROJECT	ELEVATIONS + FINISHES SCHEDULES - PROPOSED
PROJECT	100 Place Child Care Centre 52 KATHRYN RD, KNOXFIELD
SCALE	AS SHOWN
DATE	TP.006

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



A PROPOSED - EAST ELEVATION SCALE: 1:100



B PROPOSED - NORTH ELEVATION SCALE: 1:100

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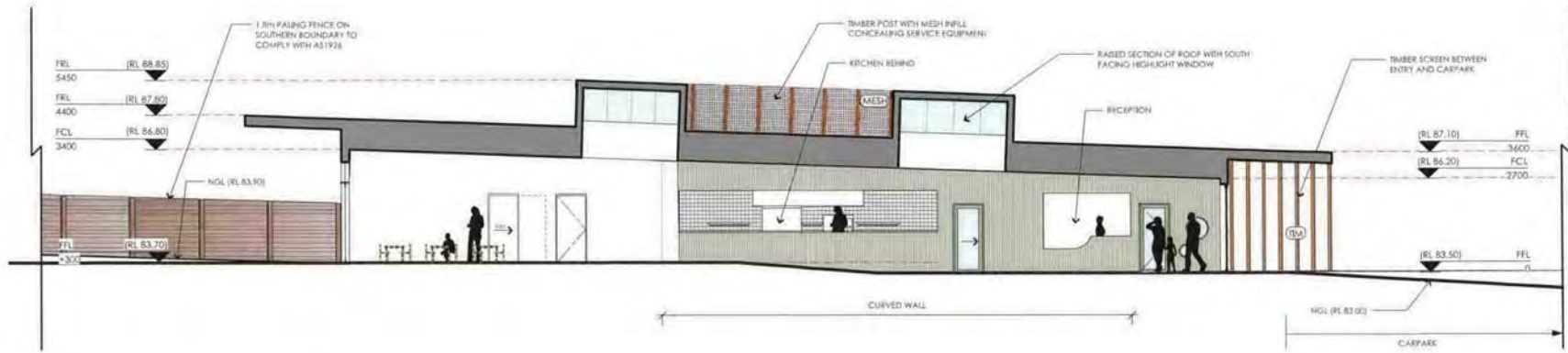
TOWN PLANNING SET - 27/04/18

DATE	DESCRIPTION	BY	CHKD	DATE

98 of 493

ORG: ZEIFF P/L Gardiner Architects 77/82A1 GARDNER STREET, FITZROY VIC 3068 PH: (03) 94861072 Email: g@gardiner.com.au	PROJ: ELEVATIONS + FINISHES SCHEDULES - PROPOSED 100 Place Child Care Centre 52 KATHRYN RD, KNOXFIELD	DRW NO: 201759 DRAWN BY: HCO CHECKED BY: HCO DATE: 27/04/18 SCALE: AS SHOWN TP.007
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52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



A PROPOSED - SECTION A:A
SCALE: 1:100

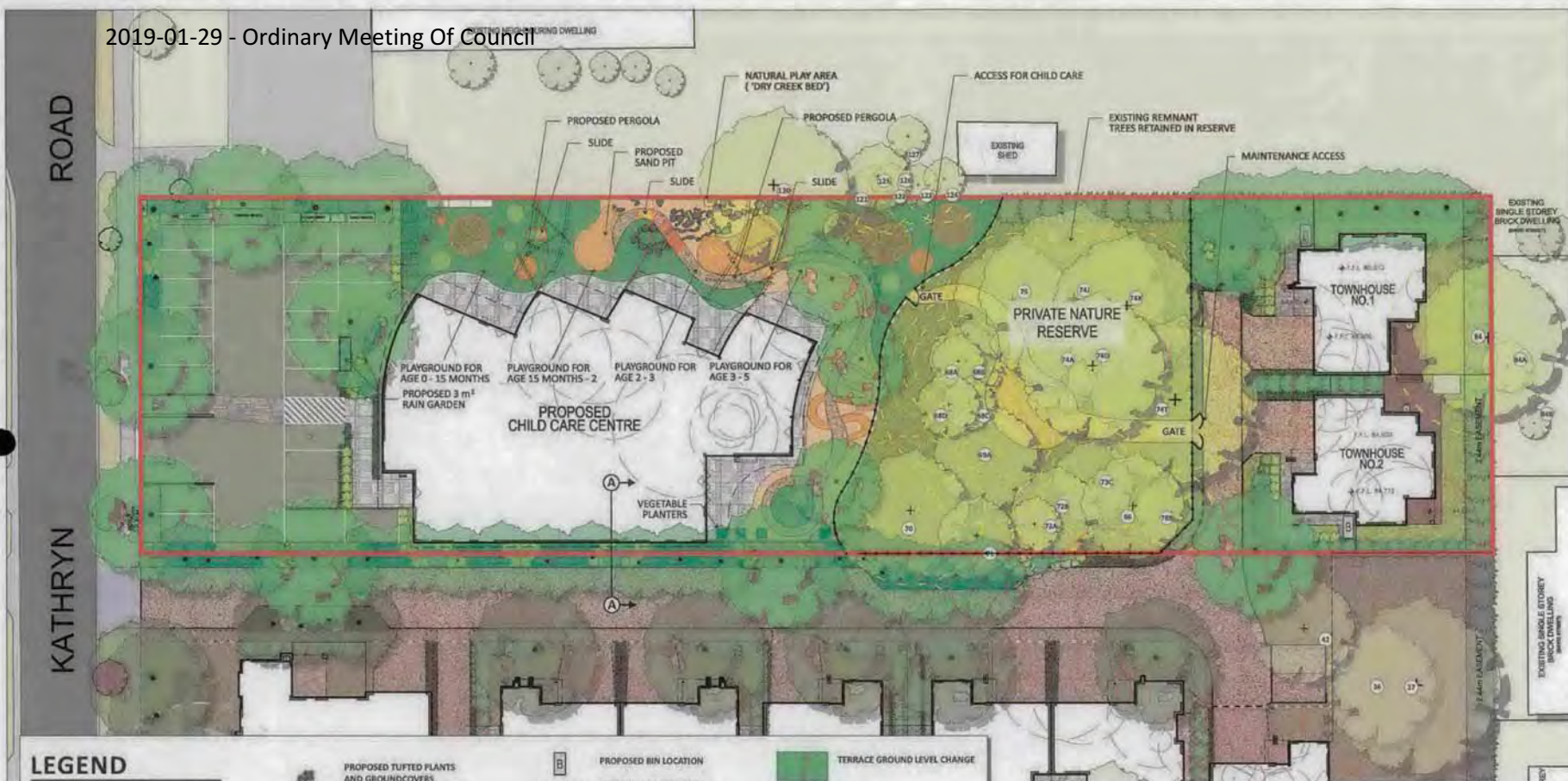


B PROPOSED - 3D REPRESENTATION (NORTH ELEVATION)

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TOWN PLANNING SET - 27/04/18

ZEIFF P/L Gardiner Architects 7/2335 Southport Rd, Pittsburg, VIC 3088 Ph: (03) 94844992 E: info@gardiner.com.au		SHEET: SECTIONS + 3D REPRESENTATIONS - PROPOSED PROJECT: 100 Place Child Care Centre 52 KATHRYN RD, KNOXFIELD	JOB NO: 201759 DATE: TP.008
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REVISION	DATE	DESCRIPTION
A	26/03/18	FOR REVIEW
B	10/04/18	FOR TOWN PLANNING APPLICATION
C	04/05/18	AMENDMENTS TO TOWN PLANNING APPLICATION

NOT FOR CONSTRUCTION
 TO BE READ IN CONJUNCTION WITH ARCHITECTS / ENGINEERS DRAWINGS AND SPECIFICATIONS, SITE SURVEY AND ARBOREST INFORMATION
DIAL BEFORE YOU DIG
 www.1100.com.au

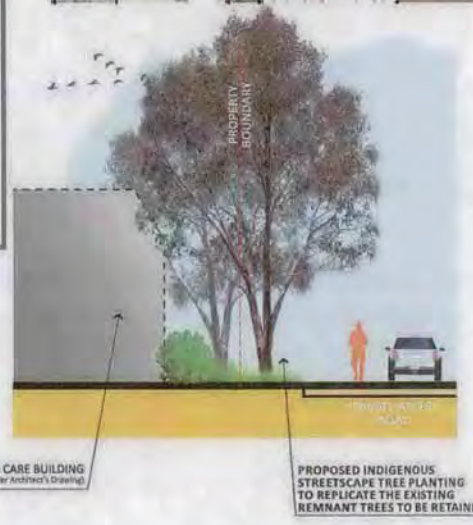
Knox City Council
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LEGEND

- EXISTING TREES TO BE RETAINED (Refer Arborist's Report)
- PROPOSED NATIVE CANOPY TREES (Refer Plant Schedule)
- PROPOSED DECIDUOUS STREET TREES (Refer Plant Schedule)
- PROPOSED LARGE SHRUBS (Taller than 2.5 metres in height, approximately 2.5m wide. Refer Plant Schedule)
- PROPOSED MEDIUM SHRUBS (Taller than 2 metres in height, approximately 1-2m wide. Refer Plant Schedule)
- PROPOSED SMALL SHRUBS (Approximately 0.2m to 2 metres in height. Refer Plant Schedule)
- PROPOSED TUFTED PLANTS AND GROUNDCOVERS (Approximately 0.3-1.5 metres in height. Refer Site Servis)
- EXISTING TREES TO BE REMOVED
- TREE PROTECTION ZONE (TPZ) (Refer Arborist's Report and Development Plan)
- PROPOSED PERMEABLE VEHICULAR PAVEMENT
- PROPOSED COURTYARD PAVEMENT
- PROPOSED PERMEABLE PEDESTRIAN PAVEMENT
- PROPOSED BIN LOCATION
- INTERNAL LOT PATHWAYS (Permeable material, indicative, shown dashed)
- TITLE BOUNDARY (Refer Development and Site Survey)
- PROPOSED LOT BOUNDARIES (Refer Development Plan and the Survey)
- PROPOSED ARTIFICIAL LAWN
- PROPOSED UNIT PAVEMENT
- PROPOSED CARPARK (Refer Development Plan)
- TERRACE GROUND LEVEL CHANGE
- PROPOSED SLIDE
- PROPOSED SOFTFALL
- PROPOSED GRANITIC PATH IN CONSERVATION RESERVE
- PROPOSED STEEL PICKET FENCE

PLANT SCHEDULE

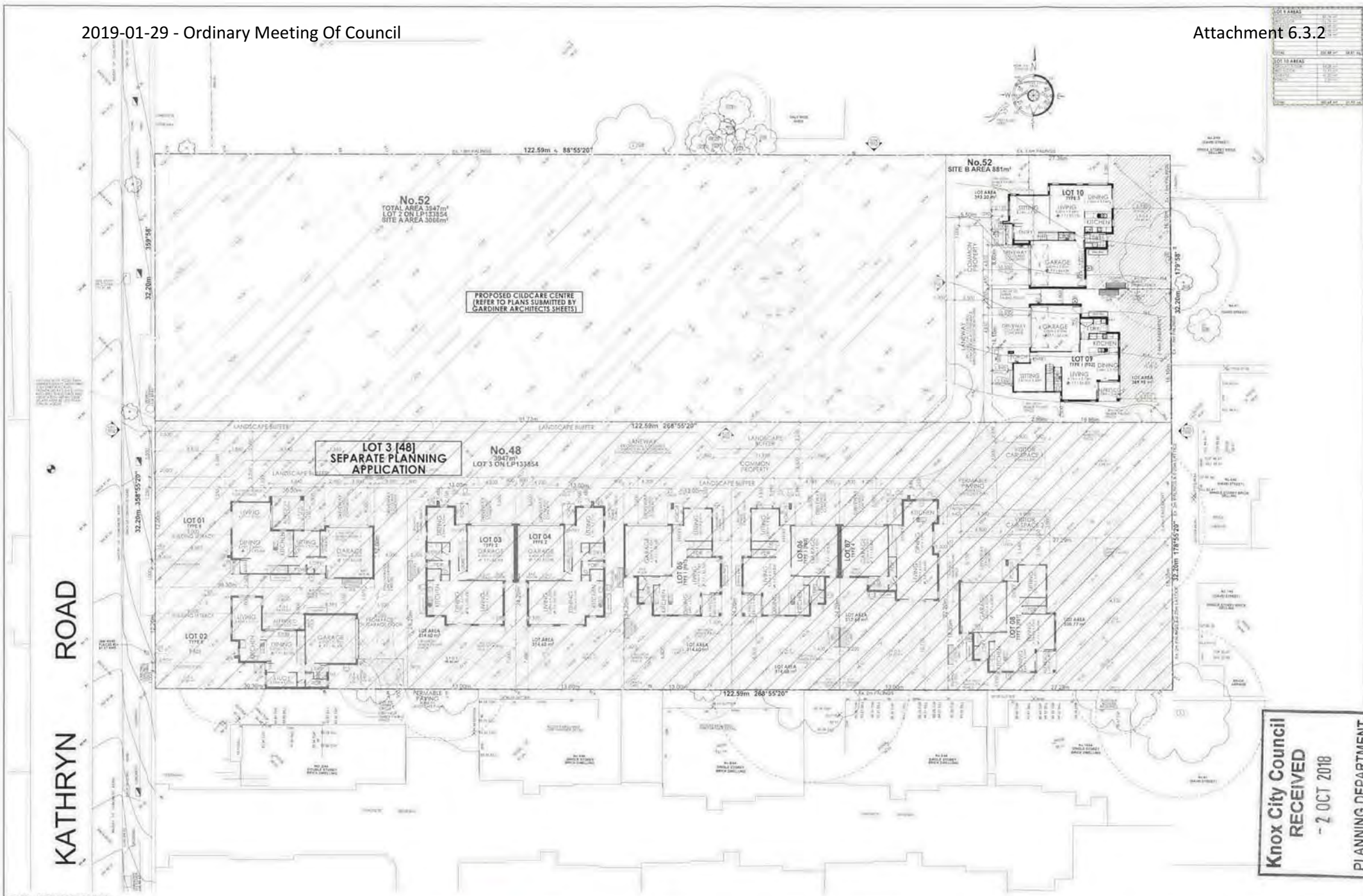
SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	INSTALLATION POT SIZE
TREES					
AM	<i>Acacia melanocoryna</i>	Blackwood	10-18m	6-8m	45 litre
EC	<i>Eucalyptus stipularis</i>	Mealy Sycamore	8-20m	5-15m	45 litre
EM	<i>Eucalyptus melliodora</i>	Yellow Box	15-25m	10-15m	45 litre
FB	<i>Eucalyptus radialis</i>	Narrow-leaved Paperbark	10-30m	10-20m	45 litre
PC	<i>Phytolacca integrifolia</i>	Cherry Plum	8m	4m	45 litre
LARGE SHRUBS					
AP	<i>Artocarpus pertusata</i>	Hedge Wattle	2-4m	2-5m	250mm pot
AV	<i>Acacia verticillata</i>	Spiky Mimosa	2.5-4m	2.5-3m	250mm pot
EE	<i>Erythrina corallodiscus</i>	Burgan	2-5m	2-4m	250mm pot
OL	<i>Oleandra olivacea</i>	Native Daisy-bush	2-4m	2-5m	250mm pot
MEDIUM SHRUBS					
CA	<i>Cassia aculeata</i>	Common Cassia	2-4m	3-2m	140mm pot
DL	<i>Dawsonia lasiocarpa</i>	Rug Mistle Pine	2-4m	3-2m	140mm pot
IA	<i>Indigofera australis</i>	Australian Indigo	2-3.5m	3-2m	140mm pot
LC	<i>Leptospermum cuneifolium</i>	Picky Tea Tree	2-4m	3-2m	140mm pot
SMALL SHRUBS					
AS	<i>Agrostis descurainii</i>	Dwarf Willow Wattle	1-2m	0.6-1m	140mm pot
BS	<i>Banksia oppositifolia</i>	"Bobby's Candies"	0.2-0.8m	3m	140mm pot
CAI	<i>Cornus alba</i>	White Cornus	1-3m	0.6-3m	140mm pot
CI	<i>Cornus rostrata</i>	Common Cornus	1-1.5m	0.4-3m	140mm pot
GO	<i>Gonolobus confertus</i>	Wop Gonolobus	3m	3m	140mm pot
OR	<i>Olea europaea</i>	Perilly Daisy-bush	1-2m	1-1.5m	140mm pot
PH	<i>Phytolacca integrifolia</i>	Common Rice-flower	0.1-0.3m	0.3-1m	200mm pot
VEF	<i>Veronica filiformis</i>	"Mink"	0.3m	1m	140mm pot
TUFTED PLANTS AND GROUNDCOVERS					
AB	<i>Azalea speciosa</i>	Bush Gem Kangaroo Paw	0.5-1.0m	0.3-3m	140mm pot
CAP	<i>Chrysanthemum indicum</i>	Common everlasting	0.5m	0.5-5m	140mm pot
GA	<i>Gaillardia aristata</i>	Spreading Flax-lily	0.3-0.8m	0.3-2.5m	140mm pot
DT	<i>Diuris tenuifolia</i>	Tanurea Flax-lily	0.6-2m	0.5-5m	140mm pot
HA	<i>Hardenbergia violacea</i>	Purple Coral-pea	0.5-0.8m	1-2m	140mm pot
LP	<i>Lamandra filiformis</i>	Wattle Mat Rush	0.3-0.6m	0.3-0.6m	140mm pot
LL	<i>Lamandra longifolia</i>	Sprig-headed Mat Rush	0.8-1.5m	1-1.2m	140mm pot
MS	<i>Mitrasacme stipitata</i>	Wingspan Grass	0.2m	Spreading	200mm pot
MP	<i>Myoporum parvifolium</i>	Creeping Bookbark	0.2m	1-1.2m	200mm pot
PL	<i>Poa labillardieri</i>	Common Tussock Grass	0.5-1m	0.5-1m	200mm pot
PM	<i>Poa monardii</i>	Wetland Tussock Grass	0.2-0.6m	0.3-0.6m	200mm pot
TT	<i>Themeda triandra</i>	Kangaroo Grass	0.3-0.8m	0.3-0.8m	140mm pot



LANDSCAPE ARCHITECT
PAPWORTH DAVIES
 PAPWORTH DAVIES PTY LTD
 180 George Street, Sydney NSW 2000
 +61 (0)2 9016 7660
 www.papworthdaves.com.au

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2

LOT 1 AREAS	
LOT 1	100.00m x 100.00m
LOT 2	100.00m x 100.00m
LOT 3	100.00m x 100.00m
LOT 4	100.00m x 100.00m
LOT 5	100.00m x 100.00m
LOT 6	100.00m x 100.00m
LOT 7	100.00m x 100.00m
LOT 8	100.00m x 100.00m
LOT 9	100.00m x 100.00m
LOT 10	100.00m x 100.00m
LOT 11	100.00m x 100.00m
LOT 12	100.00m x 100.00m
LOT 13	100.00m x 100.00m
LOT 14	100.00m x 100.00m
LOT 15	100.00m x 100.00m
LOT 16	100.00m x 100.00m
LOT 17	100.00m x 100.00m
LOT 18	100.00m x 100.00m
LOT 19	100.00m x 100.00m
LOT 20	100.00m x 100.00m



KATHRYN ROAD

LOT 3 [48] SEPARATE PLANNING APPLICATION

PROPOSED CHILDCARE CENTRE (REFER TO PLANS SUBMITTED BY GARDINER ARCHITECTS SHEETS)

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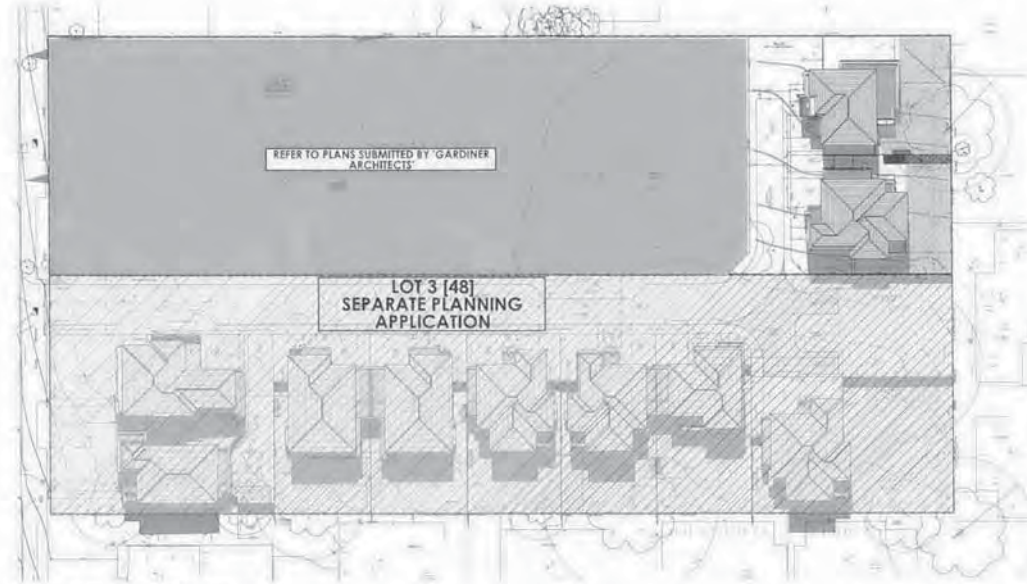
52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2

No. 52 - GROUND FLOOR PLAN SCALE: 1:200@A1

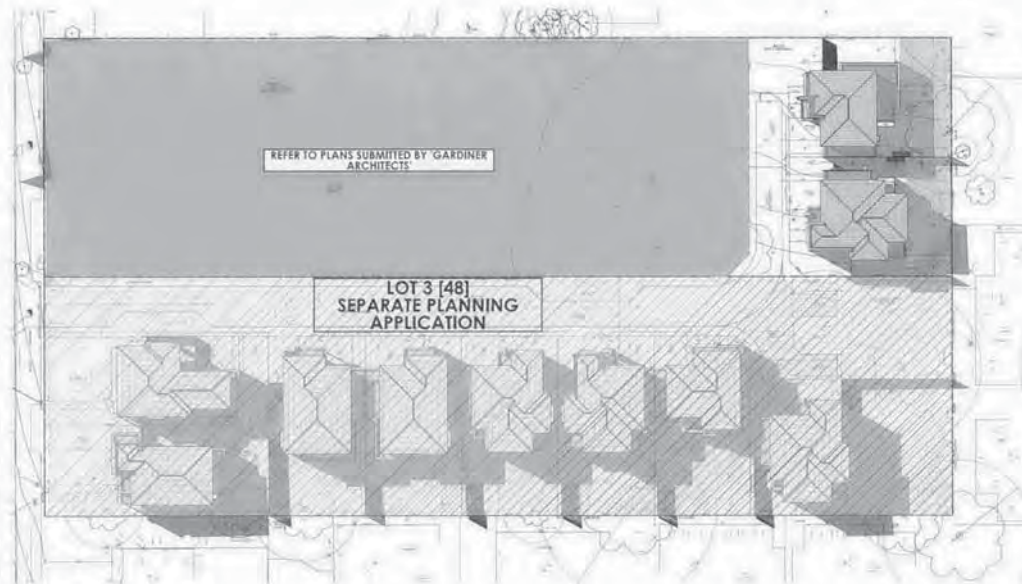
<p>Suite 55, Building 5, 115 Wellington Rd Clayton VIC 3148 www.edgepointhomes.com.au www.edgepointhomes.com.au</p>	<p>NOTES</p> <p>102 of 493</p>	<p>TP PLAN REVISIONS</p> <table border="1"> <tr><th>No.</th><th>Description</th><th>Date</th></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	No.	Description	Date				<p>SHEET</p> <p>No. 52 - GROUND FLOOR PLAN</p>	<p>PROJECT</p> <p>PROPOSED DEVELOPMENT</p> <p>CLIENT</p> <p>DATE</p>	<p>PROJECT NO.</p> <p>1:200@A1</p> <p>17-01-2018</p>	<p>IP03</p>
			No.	Description	Date							



No. 52 - 9:00am SHADOW DIAGRAM
SCALE: 1:350@A1



No. 52 - 12:00 NOON SHADOW DIAGRAM
SCALE: 1:350@A1



No. 52 - 3:00pm SHADOW DIAGRAM
SCALE: 1:350@A1

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<p>Suite 45, Building 5, 195 Wellington Rd Clayton VIC 3168 www.edgepointhomes.com.au</p>	<p>NOTES 105 of 493</p>	<p>IF PLAN REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Description	Date				<p>SHEET No. 52 - SHADOW DIAGRAMS</p>	<p>PROJECT PROPOSED DEVELOPMENT 52/54 KATHRYN ROAD KNOXFIELD</p> <p>CLIENT ZUPP P/L</p>	<p>PROJECT No.</p> <p>SCALE: DRAWING: 1:350@A1 1:350@A1 CK 17-09-2018 DR</p> <p>TP07</p>
No.	Description	Date									

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



TYPE 1 - GROUND FLOOR PLAN
 FACADE 02 SCALE: 1:100@A3
 LOTS 6 & 9

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TYPE 1 [F02] AREAS	
GROUND FLOOR:	90.79 m ²
FIRST FLOOR:	101.29 m ²
GARAGE:	36.68 m ²
PORCH:	4.88 m ²
ALFRESCO:	6.34 m ²
TOTAL:	230.48 m ² 24.81 sq



52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



TYPE 1 - FIRST FLOOR PLAN
 FACADE 02 SCALE: 1:100@A3
 LOTS 6 & 9

TYPE 1 [F02] AREAS	
GROUND FLOOR:	80.79 m ²
FIRST FLOOR:	101.79 m ²
GARAGE:	36.68 m ²
PORCH:	4.88 m ²
ALFRESCO:	6.34 m ²
TOTAL:	230.48 m ² 24.81 sq



TYPE 1
FRONT ELEVATION SCALE: 1:100@A3
FACADE 02



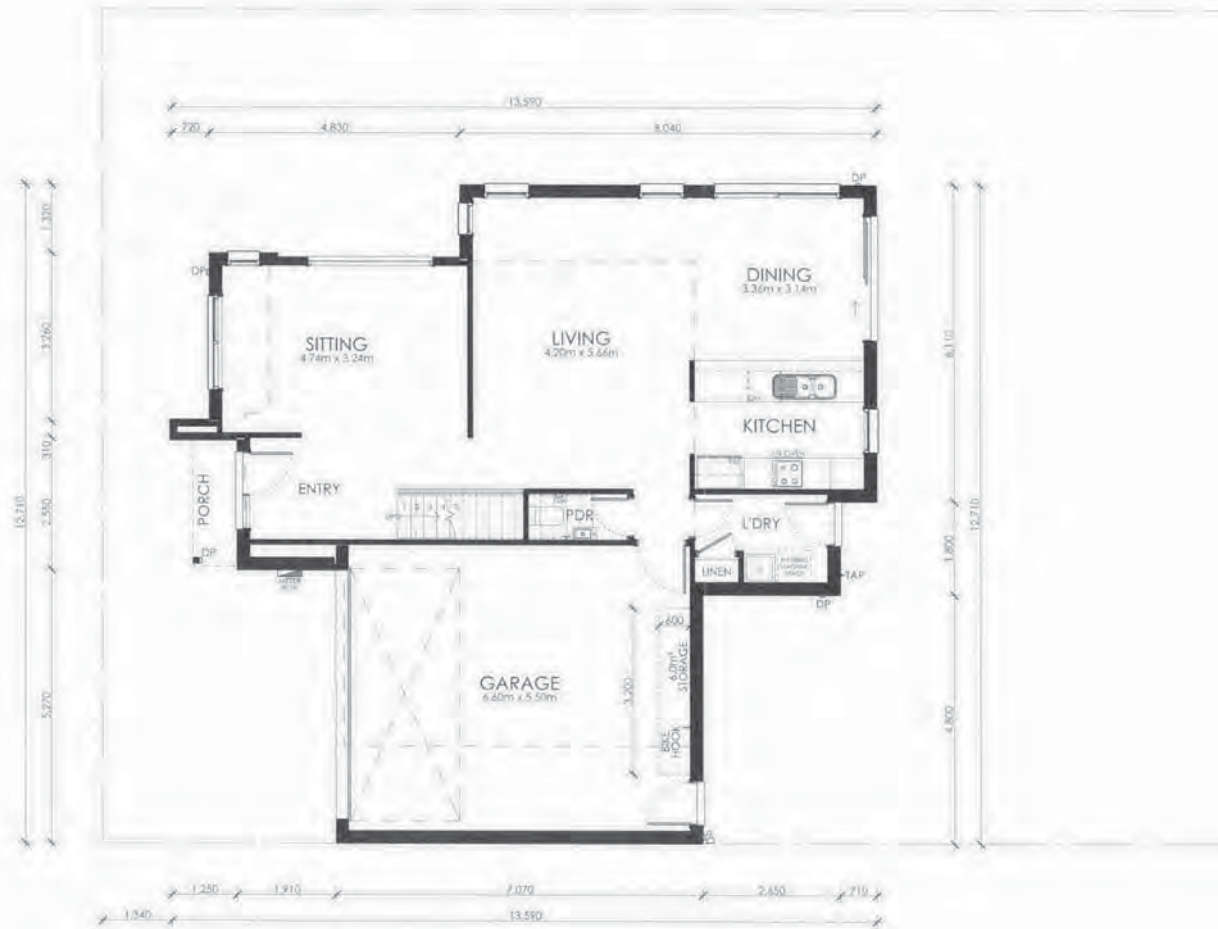
TYPE 1
RIGHT H ELEVATION SCALE: 1:100@A3
FACADE 02



TYPE 1
REAR ELEVATION SCALE: 1:100@A3
FACADE 02



TYPE 1
LEFT ELEVATION SCALE: 1:100@A3
FACADE 02



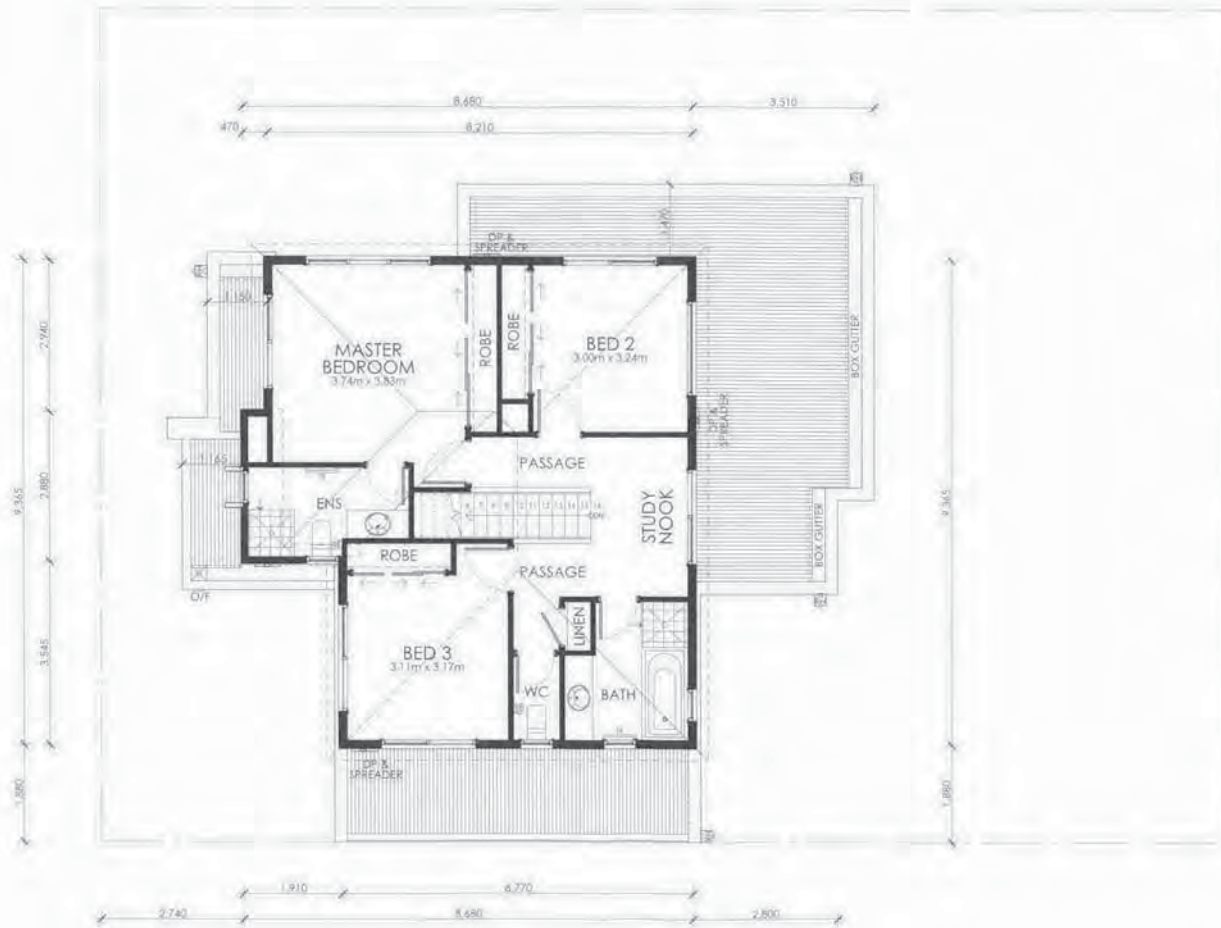
TYPE 3 - GROUND FLOOR PLAN
 LOT 10 SCALE: 1:100@A3

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TYPE 3 AREAS	
GROUND FLOOR:	84.06 m ²
FIRST FLOOR:	75.73 m ²
GARAGE:	41.20 m ²
PORCH:	2.29 m ²
TOTAL:	203.68 m² 21.92 t_q



52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



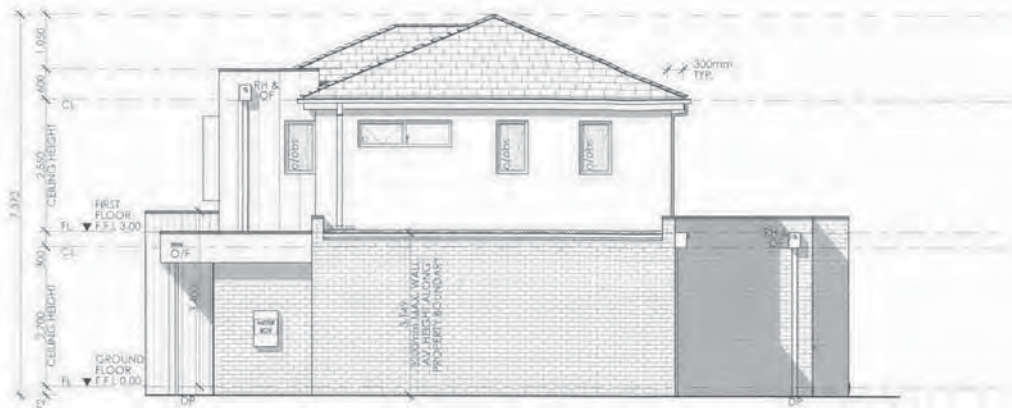
TYPE 3 - FIRST FLOOR PLAN
 LOT 10 SCALE: 1:100@A3

TYPE 3 AREAS	
GROUND FLOOR:	84.08 m ²
FIRST FLOOR:	75.73 m ²
GARAGE:	41.20 m ²
PORCH:	2.29 m ²
TOTAL:	203.68 m ² 21.92 sq





TYPE 3
FRONT ELEVATION SCALE: 1:100@A3



TYPE 3
RIGHT ELEVATION SCALE: 1:100@A3



TYPE 3
REAR ELEVATION SCALE: 1:100@A3



TYPE 3
LEFT ELEVATION SCALE: 1:100@A3



6.4 1-13 Erica Avenue, Boronia

SUMMARY: Coordinator Planning, Greg Kent

Planning Application P/2016/6175/A to amend the current permit description and endorsed plans for Planning Permit P/2016/6175; to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops at 1-13 Erica Avenue, Boronia.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Decision to Refuse to Grant an Amended Planning Permit to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops, subject to the refusal grounds outlined in full recommendation in section 10 below.

1. INTRODUCTION

Planning Permit P/2016/6175 was issued on 8 May 2017 for a supermarket, one shop, signage and reduction of car parking requirements. This was approved as part of a combined planning scheme amendment (C145) to rezone 1-23 Erica Avenue, Boronia from a Commercial 2 Zone to a Commercial 1 Zone.

An amended permit and plans application has been lodged with Council. The proposal seeks to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops, in addition to the supermarket and business identification signage previously approved.

This amendment application is being reported to Council as it has been called up by Cr Lockwood.

Whilst the development is considered to be satisfactory in most regards, the proposed development is not of outstanding architecture which would justify the development exceeding the suggested 4 storey/14 metre height limit within the Design and Development Overlay – Schedule 7 (DDO7) by 1 storey. Therefore, it is recommended that the proposed amendment be refused.

2. DISCUSSION

The proposed development is considered to inconsistent with the State and Local policy direction for urban design, scale and built form of development within the Boronia Major Activity Centre for the following reasons:

- The development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.
- The proposal is considered inconsistent with the intent Clause 15 - Built Environment and Heritage. The scale of the proposal is inconsistent with the preferred building heights for the site, and the proposal does not provide high quality architecture and urban design outcomes that justifies the proposed height and scale of the building.

On balance it is considered that the proposal does not respond appropriately to State and Local Planning Policies, including the Design and Development Overlay – Schedule 7 (DDO7). It is recommended that a Notice of Refusal to Grant a Planning Permit be issued.

A thorough assessment of the planning application is detailed in the Site and Application Plans shown in Attachment 1.

3. CONSULTATION

The application was advertised by way of three (3) signs on the site and notices were sent to adjoining property owners and occupiers. In total 2 objections were received to the most recent amended plans.

The application was referred internally to Council's Traffic and Transport Department, Stormwater Department, ESD Officer, Waste Management, City Futures Department, and Council's Urban Design Consultant. No major concerns were raised with the application, apart from the referrals from Council's Urban Design Consultant. These concerns are discussed in Section 3.2 of Attachment 1.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no significant environmental impacts or amenity issues associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report at Attachment 1.

5. FINANCIAL & ECONOMIC IMPLICATIONS

There are no significant financial & economic impacts associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report at Attachment 1.

6. SOCIAL IMPLICATIONS

There are no significant social impacts associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report at Attachment 1.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 1 - We value our natural and built environment

Strategy 1.3 - Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure.

Goal 2 - We have housing to meet our changing needs

Strategy 2.1 - Plan for a diversity of housing in appropriate locations.

Strategy 2.2 - Encourage high quality sustainable design.

Strategy 2.3 - Support the delivery of a range of housing that addresses housing and living affordability needs.

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Acting Manager City Planning and Building, Greg Kent - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Acting Director City Development, Paul Dickie - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

On balance, the development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.

10. RECOMMENDATION

It is therefore recommended that Council refuse the application and issue a Notice of Decision to Refuse to Grant a Planning Permit, subject to the following grounds:

- 1. The development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.**
- 2. The proposal is considered inconsistent with the intent Clause 15 - Built Environment and Heritage. The scale of the proposal is inconsistent with the preferred building heights for the site, and the proposal does not provide high quality architecture and urban design outcomes that justifies the proposed height and scale of the building.**

11. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Acting Manager City Planning & Building, Greg Kent

Report Authorised By: Acting Director City Development, Paul Dickie

Attachments

1. Attachment 1 for 1-13 Erica Avenue Boronia **[6.4.1]**
2. Attachment 2 for 1-13 Erica Avenue, Boronia **[6.4.2]**

RESOLUTION

MOVED: Councillor Lockwood

SECONDED: Councillor Pearce

That Council issue a Notice of Decision to Amend the Permit Description and Endorsed Plans for Planning Permit P/2016/6175 to include 50 dwellings within a five (5) storey building, basement car parking and two (2) shops at 1-13 Erica Avenue, Boronia, subject to the following:

All conditions of Planning Permit P/2016/6175 issued on 8 May 2017 deleted, and replaced with the following amended conditions:

Amended plans

1. **Prior to the commencement of any buildings or works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show the following, to the satisfaction of the Responsible Authority:**
 - 1.1 **Deletion of unit 2.19.**
 - 1.2 **The internal screens adjoining the private open space of units 2.16-2.18 and the balconies of units 3.20-3.23 provided with obscure glass screens to a height of 1.7m from finished floor level.**
 - 1.3 **Additional windows provided to the southern wall of retail space 1, facing out to the service road to improve surveillance and presentation to the road.**
 - 1.4 **Drainage plans in accordance with Condition 2 of this Permit and any necessary modifications to the plans.**
 - 1.5 **Landscaping plans as described in Condition 3 of this Permit and any necessary modifications to the plans.**
 - 1.6 **Sustainable Design Assessment in accordance with Condition 6 of this Permit and any necessary modifications to the plans.**
2. **All development must be in accordance with the endorsed plans, unless with the prior written consent of the Responsible Authority.**

Drainage Plans

3. **Prior to commencement of development, three copies of drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the**

drainage is to be in accordance with these plans. The plans must show the following, to the satisfaction of the Responsible Authority:

- 3.1 All stormwater discharge from the site connected to a legal point of discharge.**
- 3.2 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.**
- 3.3 The use of water quality improvement systems is required to be considered for this development. The use of rainwater tanks, bioretention system and vegetated swales can be used and these are to be incorporated in the stormwater drainage design plans.**
- 3.4 All levels to be to AHD (Australian Height Datum).**

Landscape plans

- 4. Landscaping works must be completed prior to the completion of the development to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority. Three copies of plans showing these landscaping works must be submitted to and approved by the Responsible Authority prior to the commencement of development. The plan must show the following, to the satisfaction of the Responsible Authority:**
 - 4.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.**
 - 4.2 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary.**
 - 4.3 Details of the surface finishes of pathways and driveways.**
 - 4.4 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.**
 - 4.5 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**
 - 4.6 Landscaping and planting within all open areas of the site.**
 - 4.7 Roof top planters within the roof top car parking area. These are to be located in the eastern, southern and western corners of the car park area (currently shown as hatched areas).**
 - 4.8 Any relevant water quality improvement systems in accordance with Condition 2.3.**
- 5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.**
- 6. The landscaping shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority.**

Sustainable Design Assessment

- 7. Prior to the commencement of any buildings or works, a Sustainable Design Assessment detailing Sustainable Design initiatives to be incorporated into the development must be**

submitted to and approved by the Responsible Authority. The Sustainable Design Assessment must outline the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.

- 8. Prior to the occupation of the development, the development must be constructed in accordance with the Sustainable Design Assessment.**

Street Tree Removal

- 9. All works associated with the removal and replacement of the street tree/s must be undertaken by Council and the owner/developer must bear all costs associated with these works. The owner/developer must pay all costs to Council prior to the commencement of any works approved under this permit.**

Car Parking and Access ways

- 10. Before the use commences, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan must be:
 - 10.1 Fully constructed in accordance with plans submitted to and approved by the Responsible Authority. The plans must show existing and proposed levels of driveways and car parking areas, together with drainage layout, invert levels, surfacing and vehicular crossing proposals.**
 - 10.2 Properly formed to such levels that they can be used in accordance with the plans.**
 - 10.3 Constructed to the absolute minimum standard of 125 mm depth of reinforced concrete or other approved hardstanding sealed surface.**
 - 10.4 Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.****
- 11. Parking areas and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.**
- 12. Prior to the completion of the development, access way and car parking lighting must be provided in accordance with AS1158 to the satisfaction of the Responsible Authority.**
- 13. All loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay(s)/and must not disrupt the circulation and parking of vehicles on the land) to the satisfaction of the Responsible Authority.**
- 14. The car parking area must not be used as a storage area to the satisfaction of the Responsible Authority.**

Signage

- 15. The permitted sign(s) must not be illuminated by flashing lights.**
- 16. All signs must be wholly located within the boundaries of the subject land.**
- 17. Signs must not be illuminated by external lights except with the prior written consent of the Responsible Authority.**
- 18. No further advertising signs, flags, buntings or similar devices must be displayed on the site without the prior written consent of the Responsible Authority, unless otherwise permitted by the Knox Planning Scheme.**

Amenity

- 19. Any noise emissions from the premises must comply with State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) N – 1 (SEPP N – 1).**
- 20. The storage of all waste materials shall be carried out within the confines of the building or designated external waste storage areas as they appear on the endorsed plans.**

Amenity During Construction

- 21. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:**
 - 21.1 the appearance of building, works or materials on the land**
 - 21.2 parking of motor vehicles**
 - 21.3 transporting of materials or goods to or from the site**
 - 21.4 hours of operation**
 - 21.5 stockpiling of top soil or fill materials**
 - 21.6 air borne dust emanating from the site**
 - 21.7 noise**
 - 21.8 rubbish and litter**
 - 21.9 sediment runoff**
 - 21.10 vibration**

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

General

- 22. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

23. **Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**
24. **The development must not be occupied until all buildings and works are completed to the satisfaction of the Responsible Authority.**

Stormwater

25. **All storm and surface water shall be collected and discharged in a complete and effective system of drains to be provided as directed by the Responsible Authority to an underground pipe drain at the owner's cost.**

Maintenance

26. **All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**

Streetscape Construction

27. **All streetscape works proposed to be undertaken on Council land must be constructed and completed to the satisfaction of the Responsible Authority. This includes but is not limited to the relocation and/or provision of new car parking spaces, reinstatement of footpaths, naturestrips and engineering infrastructure. All such costs are to be borne by the applicant/developer.**

Permit Expiry

28. **This permit will expire if one of the following circumstances applies:**
 - 28.1 **The development and use is not started within two years of the date of this permit.**
 - 28.2 **The development and use is not completed within four years of the date of this permit.**

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- **The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards**
- **The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.**

NOTES:

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on request), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the development, and be easily accessible for maintenance.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, eg water storage tanks, swale drains, etc.

Landscape Notes (to be read in conjunction with the above landscape conditions)

- The plan should incorporate Raingardens and/or Bioswales where possible to treat the water runoff from the hard surfaces (car parks and driveway's). The surface area of the proposed raingarden should be 3-5% of the surface area of the catchment feeding it. The levels should be shown on the plan and the concrete pavement should be shaped to drain into the raingarden (at the lowest point) through gaps in the kerbing. Details of the raingarden (cross section) should be shown on drainage and landscape plan in accordance with Knox City Council's standard.
- At least 50% of the vegetation species located in the raingarden should comprise of some or all of the following; Carex sp, Juncus sp, Melaleuca and Goodenia. This ensures adequate removal of Nitrogen and Phosphorus. The rest of the plant species should comprise a minimum of 80% indigenous species from Appendix 4 from the 'Landscape Guidelines for Town Planning Permits'
- If water is falling to the road side from the main driveway and not into the noted raingarden then a trench gate moving water to the rain garden(s) is to be installed.

Health Notes:

- Prior to commencing the fit-out of any food premises, plans should be submitted for assessment and comment by the Health Services Unit of Knox City Council.
- Prior to the commencement of trade of any food premises, the operator must be in receipt of a current Food Act registration issued by the Health Services Unit of Knox City Council.
- A bin area shall be provided on the site and must be graded and drained to sewer, with hot and cold water for the purposes of bin washing. If this is not possible the applicant shall obtain prior written consent from the Responsible Authority for any submitted proposed alternative to the provision of a graded and sewerred bin area.
- All bin areas are to be maintained in a clean, sanitary condition and free from obstruction at all times.

- **If upon the request of the Responsible Authority (Knox City Council or Environment Protection Authority), the operator must remedy any situation within or nearby the bin area, to the satisfaction of the Responsible Authority or its Authorised Officer within 24 hours.**
- **Designated smoking areas are to comply with the Tobacco Act 1987 and contain suitable receptacles for the disposal of cigarette butts.**
- **No smoking signage is to be prominently displayed upon entry points to 'enclosed areas' as defined by the Tobacco Act 1987.**
- **Noise generated as the result of the construction of the building and surrounding facilities must comply with section 2 of the Noise Control Guidelines (EPA Publication 1254).**
- **Rubbish collection times must comply with section 6 of the Noise Control Guidelines (EPA Publication 1254).**
- **Deliveries to the premises must comply with section 9 of the Noise Control Guidelines (EPA Publication 1254).**

Other Notes:

- **A building permit must be obtained before development is commenced.**
- **Buildings are not allowed to be built over Council easements.**
- **Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.**
- **Structures (including fences and meter boxes) and landscaping near access ways must allow for adequate sight distances in accordance with AS2890.1, Clause 3.2.4.**
- **Raised concrete slabs on the existing footpath fronting the site should be grounded.**
- **Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.**
- **Approvals from relevant authorities must be obtained for construction in close proximity to services.**

The minimum cost for removal and replacement of nature strip trees is \$312.50.

CARRIED

Attachment 1



Planning Application P/2016/6175/A to amend the permit description and endorsed plans for Planning Permit P/2016/6175 to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops at 1-13 Erica Avenue, Boronia.

1. Summary:

Subject Site:	1-13 Erica Avenue BORONIA VIC 3155
Proposed Development:	Amendment to the permit description and endorsed plans to include 50 dwellings within a 5 storey building, basement car parking and two shops
Existing Land Use:	Commercial/Shops
Site Area:	2560m ²
Planning Scheme Controls:	Commercial 1 Zone, Design and Development Overlay – Schedule 7
Application Received:	22 December 2017
Number of Objections:	One
PCC Meeting:	N/A
Ward:	Baird

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2016/6175/A to assist in making a decision on the application. It should be read in conjunction with the other attachments.

2. Background

2.1 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 1.

- The subject site is a combination of three properties known as 1-13 Erica Avenue, Boronia, located on the western side of Erica Avenue, approximately 55 metres to the north of the intersection with Boronia Road, in Boronia. The site is irregular in shape and has an approximate slope of 1.5m from the west to the east.
- The subject site and surrounds are located within the Commercial area of Boronia Major Activity Centre and comprises of predominately commercial properties of a retail nature.
- The site area is 2560m². A single width laneway that flanks the site to the south and west.
- The site is not affected by any easements.
- Each of the properties has a Covenant registered on the copy of title that prohibits excavation (unless associated with the foundations of buildings), and the use of the land for the purpose of wining of bricks, tiles or pottery.

- No significant existing vegetation exists on the site.

2.2 Background

Planning Permit P/2016/6175 was issued on 8 May 2017 for a supermarket, one shop, signage and reduction of car parking requirements. This was approved as part of a combined planning scheme amendment (C145) to rezone 1-23 Erica Avenue, Boronia from a Commercial 2 Zone to a Commercial 1 Zone.

2.3 The Proposal

It is proposed to amend Planning Permit P/2016/6175 by amending the permit description and endorsed plans to include 50 dwellings within 5 storey building, basement car parking and two retail shops. Refer to attached plans in Attachment 2. Changes include:

- Amendment to Ground Floor layout to make provision for a residential pedestrian entry foyer and separation of the singular retail/shop into two tenancies of 190m² and 175m².
- Repositioned supermarket car park entry to Erica Avenue and a separate residential vehicular entry to the rear service road.
- Amendment to First Floor layout from the previous roof top retail car park to a residential car park of 50 spaces, entered off the rear service road, and new 6 apartments facing Erica Avenue (one of which contains 3 bedrooms with the others containing 2 bedrooms).
- Relocation of the retail car park into a basement entered off Erica Avenue.
- Reduction of the supermarket area from 1600m² to 1539m².
- Second floor containing 20 dwellings, 18 containing 2 bedrooms and one (1) containing one bedroom and one (1) containing three bedrooms.
- Third and fourth floor containing a total of 24 dwellings, 23 containing two bedrooms, and one (1) containing one bedroom.
- A total building height of 16.9m.

3. Consultation

3.1 Advertising

The application was advertised by way of three (3) signs on the site and notices were sent to adjoining property owners and occupiers. In total two (2) objections were received to the most recent amended plans. These objections are summarised below:

Compliance with Structure Plan & DDO& Heights

- The proposal is considered inconsistent with the objectives of the DDO7 and the proposed variation to height requirements is considered inappropriate.

Wrong location for an Aldi store

- The location of the Aldi store is not changing as a result of the amendment proposal.

The impact of the proposed development on the views to the Dandenongs

- The applicant has provided sight line diagrams as part of the application which outlines that the proposal will not detrimentally impact on views from key locations within Boronia, including the public car park at 159 Boronia Road, as outlined by the objectors.

3.2 Referrals

The application was referred to external authorities and internal departments for advice. The following is a summary of relevant advice:

Traffic Engineer: A swept path diagram is required to demonstrate that the delivery truck is able to access into and out of the loading area with clearances to buildings and objects.

A Construction Management Plan (CMP) should form part of any permit to issue.

Standard conditions to be included on any permit issued.

Stormwater: Standard conditions to be included on any permit issued.

ESD Officer: The Sustainable Design Assessment (SDA) submitted with the application is unsatisfactory. Issues raised by Council's ESD Officer can be addressed via conditions of permit, in the event a permit is granted.

Waste: This proposed development will require the lodgement of a Waste Management Plan (WMP) in accordance with Council's Waste Management in Multiple Unit Development Policy and Procedure for the review and approval by the Waste Management team. This will form part of any permit to issue.

City Futures: No objection subject to conditions on any permit issued.

Urban Design Consultant (Hansen Partnership): The proposal represents an improvement over the supermarket only application, given its upper level residential component within the Activity Centre context. It responds well to the Design objectives of the Design and Development Overlay – Schedule 7 (DDO7), with the only failing being with respect to “providing an outstanding level of architectural quality” and “ensure quality design outcomes”. Presently, our concerns in relation to internal amenity and the relationship between the internal facing apartments and communal open space are preventing us from assessing the development as being outstanding. We do consider it to represent an acceptable design, relative to its context. There is concern that the submitted shadow diagrams do not properly reflect the actual shadow cast by the amended building. This may also impact upon the extent of shadowing of the communal private open space area, and the internal facing apartments. A change from solid privacy screens to obscure glass screens may help to address this issue.

4. Discussion

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

4.1 Zoning and Overlays

4.1.1 Zone

The site is located within the Commercial Zone – Schedule 1 (C1Z). A permit is required to use the land for the purpose of a dwelling and construct a building or construct or carry out works pursuant to Clause 34.01 of the Knox Planning Scheme.

- While it is acknowledged that the proposed residential component of the development could compliment the role of the commercial centre, the proposed design response is not appropriate as discussed throughout this report.

4.1.2 Overlays

The site is affected by the Design and Development Overlay – Schedule 7 (DDO7). A planning permit is required for all buildings and works, unless specifically exempt. The proposed buildings and works do not meet these exemptions, and therefore a planning permit is required.

Design Objectives

The following comments are provided in response to the relevant Design objectives listed for the DDO7 overlay area.

- It is considered that the proposal will not detrimentally impact on views towards the Dandenong Ranges National Park from current and future public places on the western ridgeline of the Structure Plan area, particularly the key views from Boronia Village.
- The development does not provide for an outstanding level of architectural quality which would justify the increase in height above the preferred height of 4 storeys/14 storeys.
- The proposed colours, materials and finishes will be reflective of the indigenous character of the area and subject to a condition requiring changes to the environmentally sustainable design assessment submitted with the application, the proposed development will achieve a satisfactory environmental outcome.
- Given the site's location within a Commercial Zone, there is limited ability to provide for landscaping which would provide substantial canopy planting to offset the increase in building height.

Building Heights

New development should not exceed the maximum building height shown on map 1 to the Schedule (for all areas other than those shown as 9 metres).

A permit may be granted to vary the maximum building height shown on map 1 to the Schedule (for all areas other than those shown as 9 metres).

Map 1 to the Schedule to the overlay specifies a building height of 14 metres / 4 storeys for this site.

It is proposed to construct a five (5) storey building (not including basement level) that will reach a maximum height of 16.9 metres; therefore exceeding the height requirements specified within the DDO7. The following comments are provided in response to the points that must be considered for applications where buildings exceed the preferred height:

- The proposed building has been designed to accommodate the slope of the land, allowing access points from both the adjoining laneway and Erica Avenue.
- The proposed development is an improved design which incorporates articulation, a mix of building materials, colours. In addition, windows have been provided to public areas, thereby increasing passive surveillance, and the appearance of the building at pedestrian scale.
- The proposed building has been referred to Council's Urban Design Consultant for input into the design credentials of the building. It has been determined that the building is not of outstanding architecture, and therefore the proposal is considered inconsistent with the design objectives in this schedule, and the Boronia Structure Plan Vision Statement.
- The applicant has undertaken an analysis from key vantage points within the Boronia Activity Centre. It has been determined that the building will be unlikely to affect key view lines, and will still be nestled below the ridgeline of the Dandenong Foothills when viewed from the west.

Design Standards

In addition to the objectives and height requirements of the overlay, the application has been assessed against the relevant design standards and determined to be unsatisfactory.

Colours & Materials:

Council's Urban Designers have recommended a number of improvements during the course of the application to address the external appearance / finishes of the development to provide for contrast, colour, texture and variation to the built form. During this process blank walls and limited variation in materials and textures have been improved. However, the proposal is not considered to be of outstanding design which justifies the proposed increase in heights over that envisaged.

Landscape Design:

Landscaping opportunities are limited throughout the development, with the proposed amendments further reducing this by making conditions of the previous supermarket approval for provision of planter boxes void. A small communal open space has been proposed in the centre of the development however; this will be above the proposed shops and therefore significant vegetation cannot be planted in this area.

The proposal does not maximise opportunities to strengthen landscape themes and does not incorporate substantial canopy planting within the development and public realm. It is noted that the site is located within a Commercial Zone, where lesser planting is usually expected. The proposal to exceed the height specified in the DDO7 initiates a clause in the Planning Scheme seeking canopy tree planting to offset the increase in building height.

4.2 Policy Consideration: State and Local Planning Policy Framework

State and local policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development. The key themes for the assessment of the amended application include Housing, Sustainability and Environment, Transport and Urban Design (including neighbourhood character).

4.2.1 Housing

Clause 16 Housing: Encourage the development of well-designed medium-density housing that respects the neighbourhood character; improves housing choice; makes better use of existing infrastructure; and, improves energy efficiency of housing. Locate new housing in or close to activity centres and employment corridors and at other strategic development sites that offer good access to services and transport.

Municipal Strategic Statement: Council's MSS encourages development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development, and influencing the urban form so that Knox itself becomes more sustainable. The MSS makes specific reference to the diversifying and aging population in Knox which will see an increase in the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years.

Clause 21.06 Housing: The Housing theme implements the Knox Housing Strategy 2015. In managing the City of Knox's current and future housing needs, Council supports a scaled approach to residential development. This scaled

approach recognises that some parts of the City will need to accommodate change, due to population growth and the community's changing household needs.

- The design incorporates articulation, a mix of building materials, colours. In addition, windows have been provided to public areas, thereby increasing passive surveillance and the appearance of the building at pedestrian scale.
- Housing choice – The development provides 50 apartments comprising of two (2) three bedroom apartments, 46 two bedroom apartments, and two (2) one bedroom apartments, providing a range of housing choices within a well accessed area.
- Existing infrastructure – The site is located within a fully serviced area.
- Energy efficiency – This will be discussed below under Clause 15.02.
- Location – The site is located within Boronia Activity Centre and has access to a number of urban services within the centre. Additional housing on the site is consistent with policy relating to urban consolidation within a Major Activity Centre.

4.2.2 Sustainability and Environment

Clause 15.02 Sustainable Development: Ensure that land use and development is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 22.04 Environmentally Sustainable Development: This new policy introduced into Knox Planning Scheme under Amendment C150 requires applicants to address Environmentally Sustainable Development (ESD) principles including energy performance, water resources, indoor environmental quality, stormwater, waste management, transport and urban ecology, by applying these principles within the proposed development.

- The Sustainable Design Assessment (SDA) submitted with the application is unsatisfactory. Issues raised by Council's ESD Officer can be addressed via conditions of permit, in the event a permit is granted.

4.2.3 Transport

Clause 18 Transport – Ensure that access is provided to all available modes of transport.

The site has excellent access to public transport offered in and around the Boronia Railway Station located a 70m walk along Erica Avenue, including access to buses located on the 690, 745, 691, 753, 737 and 755 bus routes.

4.2.4 Urban Design (including Neighbourhood Character)

Clause 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflects the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

Clause 21.05 Built Environment and Heritage – Development should address needs of changing household structures, creating high quality, well-designed places that respect and strengthen the local context and landscape qualities of Knox. It is important to achieve environmentally sustainable development that contributes to a more liveable and sustainable Knox, including efficient use of urban water runoff and the quality of stormwater entering waterways.

Housing liveability and amenity for occupants should be improved by supporting indoor environment quality (such as access to daylight and ventilation).

- The scale of the development exceeds the suggested height limit of the Boronia Structure Plan, and it is considered that the proposal is not of outstanding architecture that justifies the increased height of the building.
- The proposed colours, materials and finishes will be reflective of the character of the area and subject to a condition requiring changes to the environmentally sustainable design assessment submitted with the application, the proposed development will achieve a satisfactory environmental outcome.
- The proposed development will provide a variety of housing options, with one, two and three bedroom apartments offered. The site is very well located, and increased levels of housing within this part of Boronia is consistent with the PPF and LPPF.

4.3 Particular Provisions

Clause 52.06 Car Parking: Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 specifies a ratio of two car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms), and one car parking space for one and two bedroom dwellings. As the site is located within proximity of the Principal Public Transport Network, there is no requirement to provide visitor car parking for the residential component of the building. For the commercial component, the planning scheme requires 3.5 spaces to each 100m² of leasable floor area. A permit may be granted to reduce or to waive the number of car spaces required by the table.

Clause 52.06-8 details the design standards for car parking. The provision of car parking should meet the design requirements of this Clause. An assessment of the design standards, including any areas of non-compliance are considered below:

- Car parking provision: Complies. The proposal exceeds the total car parking provision required for the building by 6 spaces (118 spaces required, 125 spaces proposed). No visitor car parking is provided for the residential component, but this is consistent with the planning scheme requirements.
- Car parking design: Complies. A condition of any permit issued will require that swept path diagrams and gradients of access ramps to be designed to Council's satisfaction. All other matters are considered satisfactory.

4.4 Clause 58 – Apartment Developments

Urban Context

Residential Policy – Does not comply. The proposed development does not provide a design of outstanding architecture that justifies the increase in height above the suggested height limit within the Boronia Structure Plan and Design and Development Overlay – Schedule 7.

Dwelling Diversity - Complies.

Infrastructure – Complies.

Integration with the street – Complies.

Site Layout

Energy Efficiency – Partially complies. Council’s ESD Officer has asked for amendments to be made to the ESD statement. This can be addressed via conditions of any permit issued.

Communal Open Space – Complies.

Solar Access to Communal Outdoor Space – Complies.

Safety – Complies.

Landscaping – Complies. A landscape plan to the satisfaction of the Responsible Authority will be a requirement of any permit to issue.

Access – Complies.

Parking Location – Complies.

Integrated Water and Stormwater Management – Drainage plans to the satisfaction of the Responsible Authority will be a requirement of any permit to issue.

Amenity Impacts

Building Setback – Complies.

There is no front setback for the first four levels and the building fully abuts the eastern boundary at Erica Avenue. The fifth level is setback 1.5m from Erica Avenue. Setbacks to other boundaries of the site range from zero to 4.5 metres, depending on the level. These setbacks should allow for equitable future development of the adjacent properties, and the laneway to the west and south further aid with compliance under this standard.

Internal Views – Complies.

Noise – Can comply. The applicant has not submitted a noise attenuation report as part of the application. Any noise issues could be addressed as part of conditions of any permit issued. Treatments could include double glazing, noise insulation bats/foam, etc.

On-site Amenity and Facilities

Accessibility – Complies.

Building Entry and Circulation – Complies.

Private Open Space – Complies.

Storage – Complies.

Detailed Design

Common Property – Complies.

Site Services – Complies.

Waste and Recycling – Can comply. A Waste Management Plan will be required as a condition of any permit issued, to Council’s satisfaction.

Internal Amenity

Functional Layout – Complies.

Room Depth – Complies.

Windows – Can comply. There is concern that apartments 2.19, 3.23 will not have appropriate access to light. This may be able to be rectified by a change from fixed solid screens to obscure glass screens to the balconies of these dwellings. This could be addressed via conditions of any permit issued.

Natural Ventilation – Complies.

4.5 General Decision Guidelines

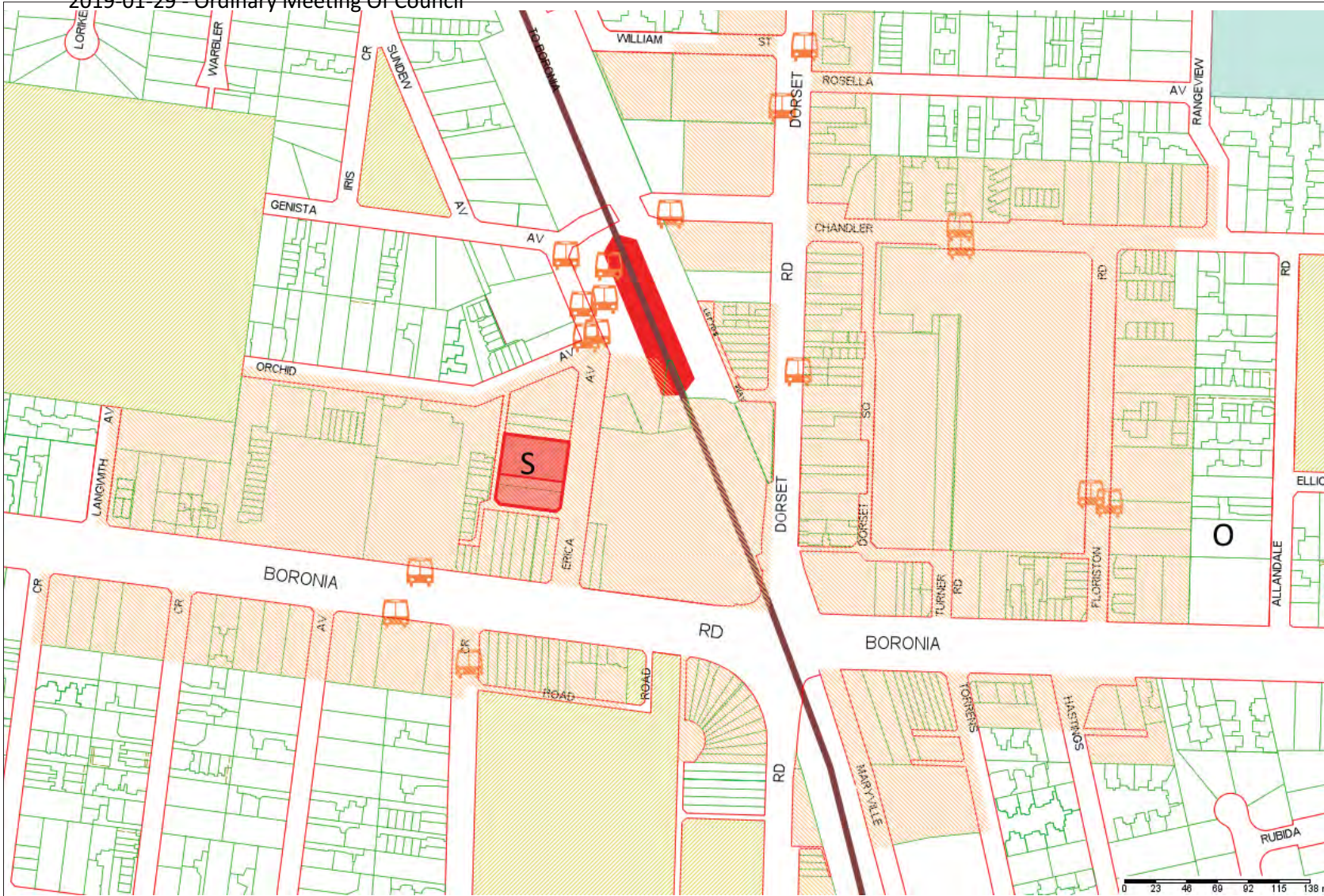
Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.

5. Conclusion

Clause 10.04 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the proposal is considered inappropriate given the following:

- The development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.
- The proposal is considered inconsistent with the intent Clause 15 - Built Environment and Heritage. The scale of the proposal is inconsistent with the preferred building heights for the site, and the proposal does not provide high quality architecture and urban design outcomes that justifies the proposed height and scale of the building.



Knox City Council
ATTACHMENT 2

Property Address	1-13 Erica Avenue, BORONIA
Application Number	P/2016/6175/A
Description	Amending the permit description and endorsed plans to include 50 dwellings within a 5 storey building, basement car parking and two retail shops
Ward	Baird

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition

Scale: 1:3000

DISCLAIMER:

Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DPCD, Knox City Council
 Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



Property Address	1-13 Erica Avenue, BORONIA
Application Number	P/2016/6175/A
Description	Amending the permit description and endorsed plans to include 50 dwellings within a 5 storey building, basement car parking and two retail shops
Ward	Baird

- LEGEND:**
- Title Boundary
 - Road Boundaries
 - City Boundary
 - Bus Route
 - Reserves
 - Commercial Areas
 - Tertiary Schools
 - Primary Schools
 - Secondary Schools
 - P-12 School
 - Bus Stops
 - Objector
 - Unit Development
 - Subject Property
 - Petition

Scale: 1:3000

DISCLAIMER:

Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DPCD, Knox City Council
 Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.

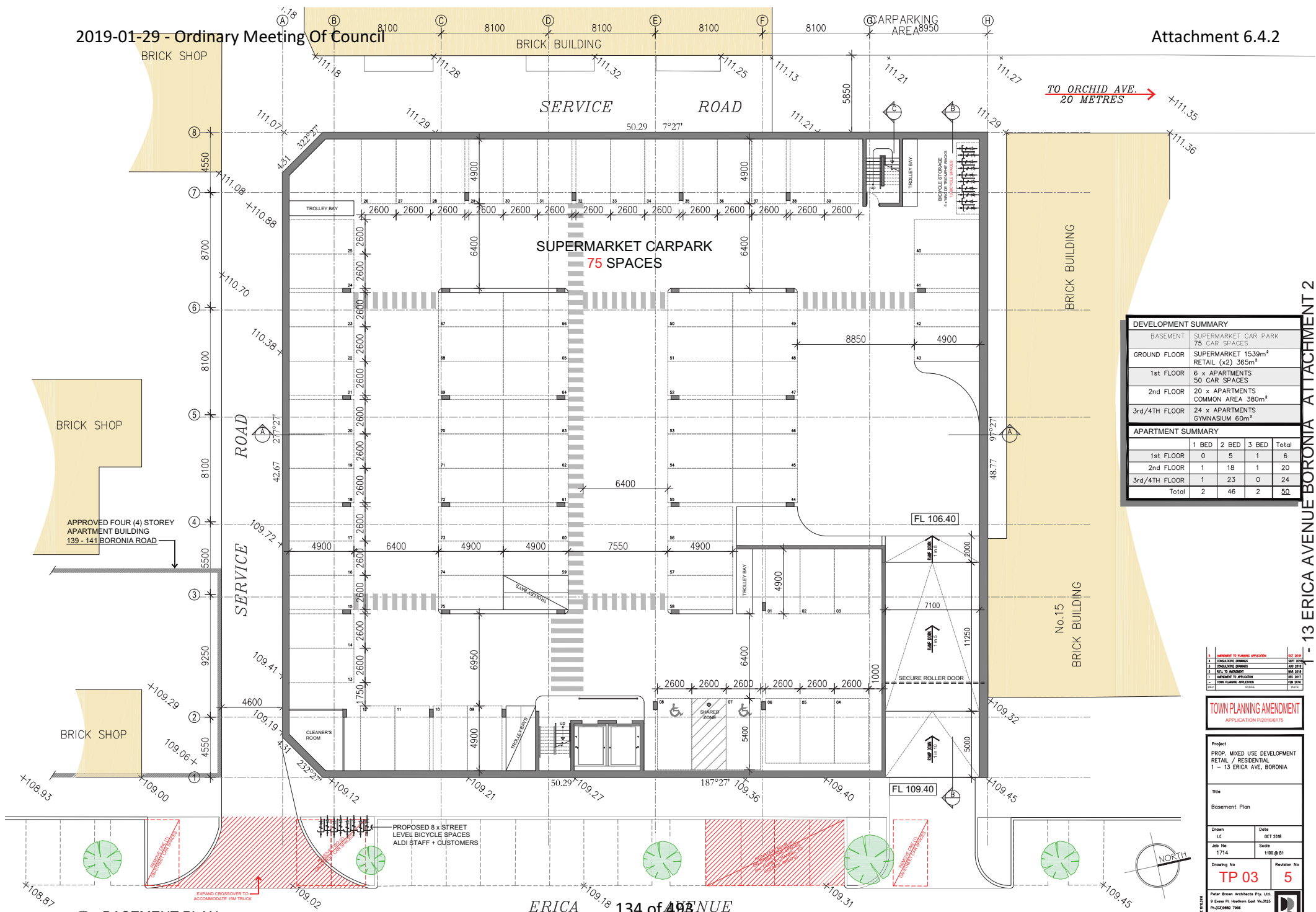


ERICA AVENUE PERSPECTIVE (FACING NORTH)

1- 13 ERICA AVENUE, BORONIA

OCT 2018





DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	2018.09.20
2	ISSUED FOR PERMITS	2018.09.20
3	ISSUED FOR PERMITS	2018.09.20
4	ISSUED FOR PERMITS	2018.09.20
5	ISSUED FOR PERMITS	2018.09.20
6	ISSUED FOR PERMITS	2018.09.20

TOWN PLANNING AMENDMENT
APPLICATION P120168170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Basement Plan

Drawn Date
LC OCT 2018

Job No Scale
1714 1:100 @ B1

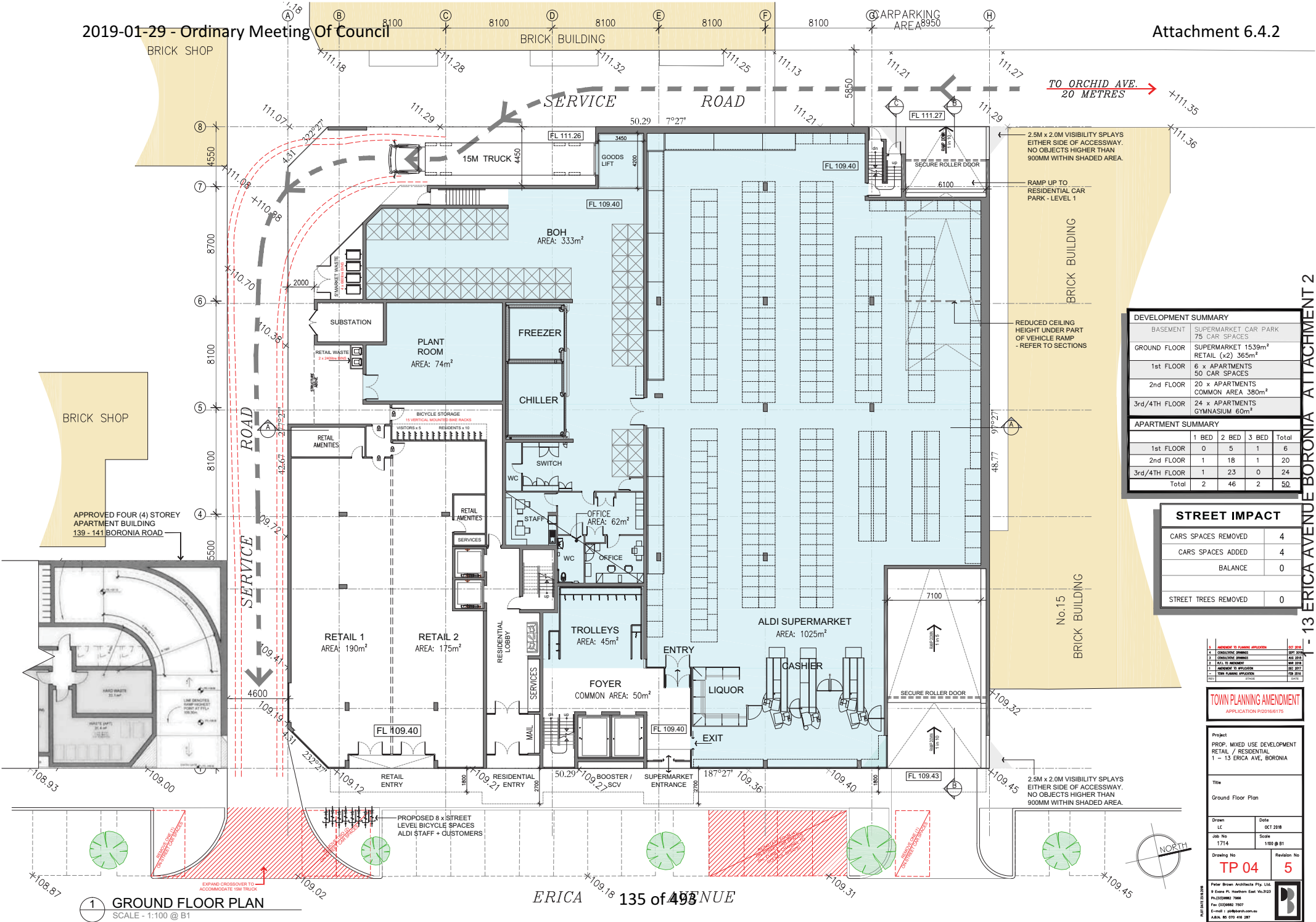
Drawing No Revision No
TP 03 5

Paul Brown Architects Pty Ltd
13 Erica Pk, Hawthorn East, VIC 3123
Ph: 03 9588 7000
Fax: 03 9588 7007
E-mail: paul@pba.com.au
A.B.N. 68 070 48 287

1 BASEMENT PLAN
SCALE - 1:100 @ B1

ERICA 134 of 493 AVENUE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

STREET IMPACT	
CARS SPACES REMOVED	4
CARS SPACES ADDED	4
BALANCE	0
STREET TREES REMOVED	0

NO.	REFERENCE TO PLANNING APPROVAL	DATE
1	CONVULSION DRAWS	2017 2018
2	CONVULSION DRAWS	2017 2018
3	CONVULSION DRAWS	2017 2018
4	CONVULSION DRAWS	2017 2018
5	CONVULSION DRAWS	2017 2018
6	CONVULSION DRAWS	2017 2018
7	CONVULSION DRAWS	2017 2018
8	CONVULSION DRAWS	2017 2018
9	CONVULSION DRAWS	2017 2018
10	CONVULSION DRAWS	2017 2018

TOWN PLANNING AMENDMENT
APPLICATION P2018/0170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Ground Floor Plan

Drawn
LC
Date
OCT 2018

Job No
1714
Scale
1:100 @ B1

Drawing No
TP 04

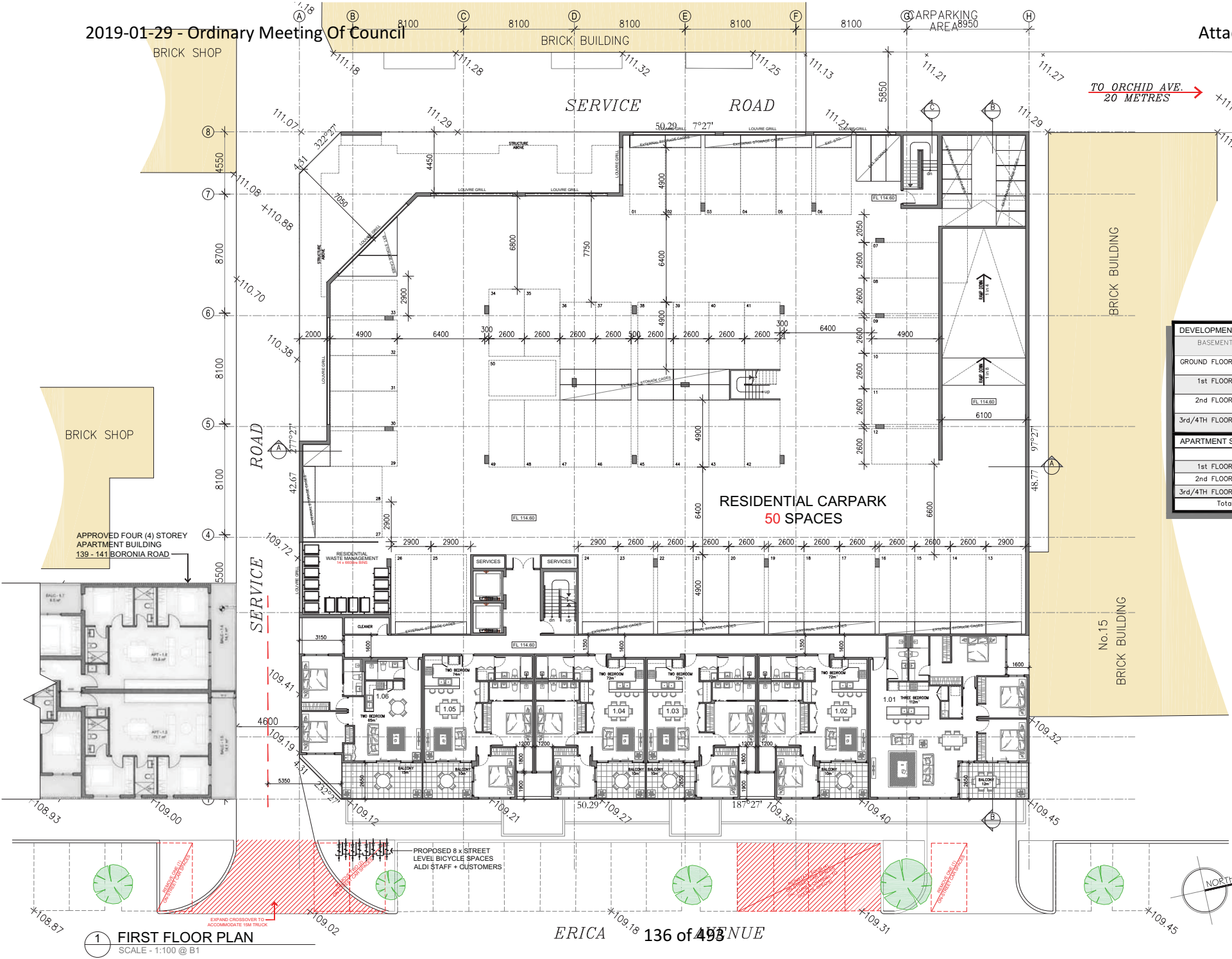
Revision No
5

Patric Brown Architects Pty Ltd
13 Erica Pl, Hawthorn East, VIC 3123
Ph: 039582 7006
Fax: 039582 7007
E-mail: pat@pbrown.com.au
A.S.N. 88 570 48 287

1 GROUND FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 135 of 499 NUE

1-13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

NO.	REVISION TO PLANNING APPLICATION	DATE
1	CONSULTING DRAWS	18.02.2018
2	CONSULTING DRAWS	18.02.2018
3	REV. TO APPROVAL	18.02.2018
4	REVISED TO APPROVAL	05.07.2018
5	FINAL PLANNING APPLICATION	05.07.2018

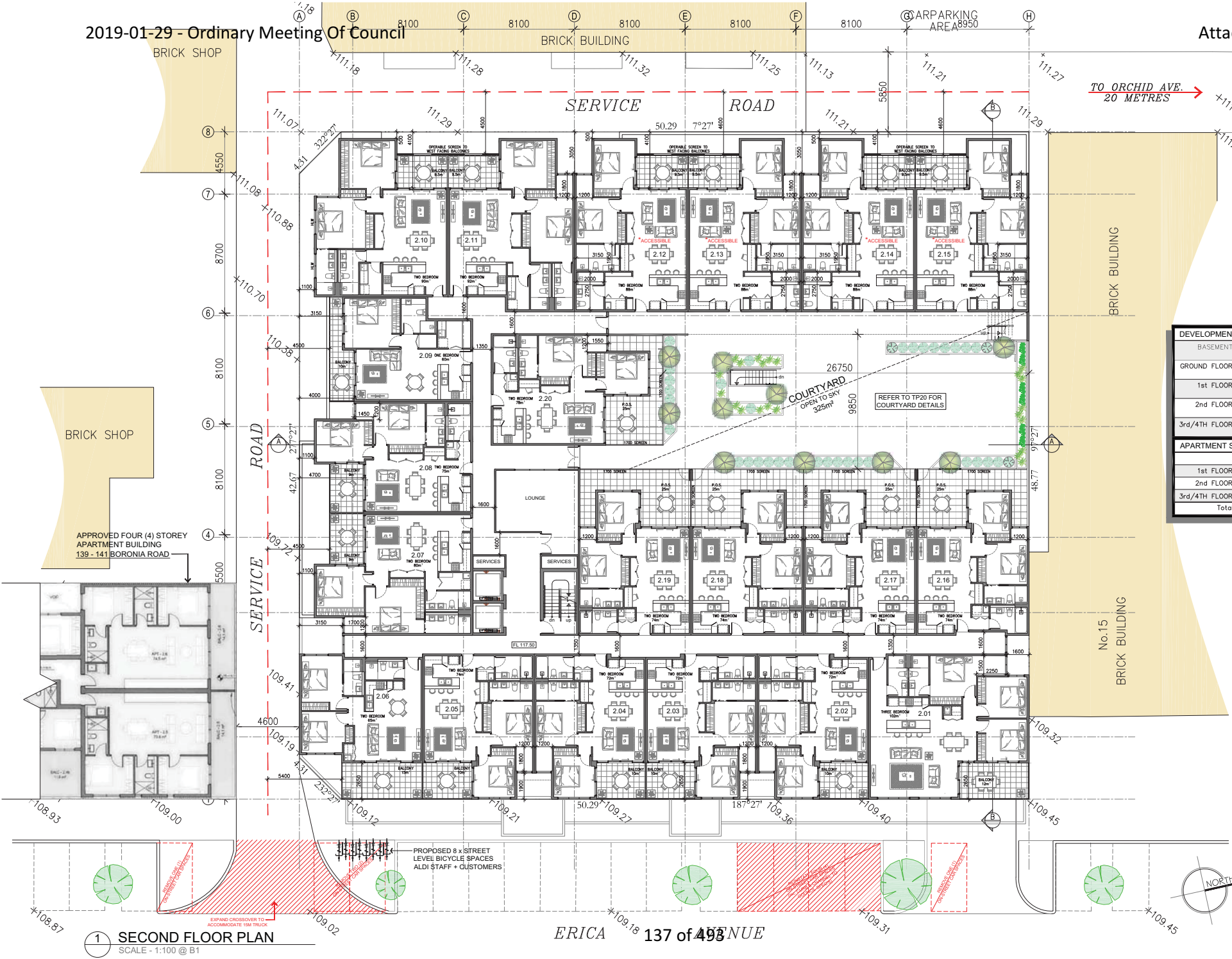
TOWN PLANNING AMENDMENT
APPLICATION P120168712

Project	
PROP. MIXED USE DEVELOPMENT RETAIL / RESIDENTIAL 1 - 13 ERICA AVE, BORONIA	
Title	
First Floor Plan	
Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1:100 @ B1
Drawing No	Revision No
TP 05	5
Peter Brown Architects Pty Ltd 8 Erica Pl, Hardham East, VA.3023 Ph: 083882 7006 Fax: 083882 7007 E-mail: pba@pba.com.au A.S.B. 88 570 418 287	

1 FIRST FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 136 of 493 AVENUE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

NO.	REFERENCE TO PLANNING APPLICATION	DATE
1	CONVULSION SHEDS	2017 2018
2	CONVULSION SHEDS	2017 2018
3	CONVULSION SHEDS	2017 2018
4	CONVULSION SHEDS	2017 2018
5	CONVULSION SHEDS	2017 2018
6	CONVULSION SHEDS	2017 2018
7	CONVULSION SHEDS	2017 2018
8	CONVULSION SHEDS	2017 2018
9	CONVULSION SHEDS	2017 2018
10	CONVULSION SHEDS	2017 2018

TOWN PLANNING AMENDMENT
APPLICATION P120168170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Second Floor Plan

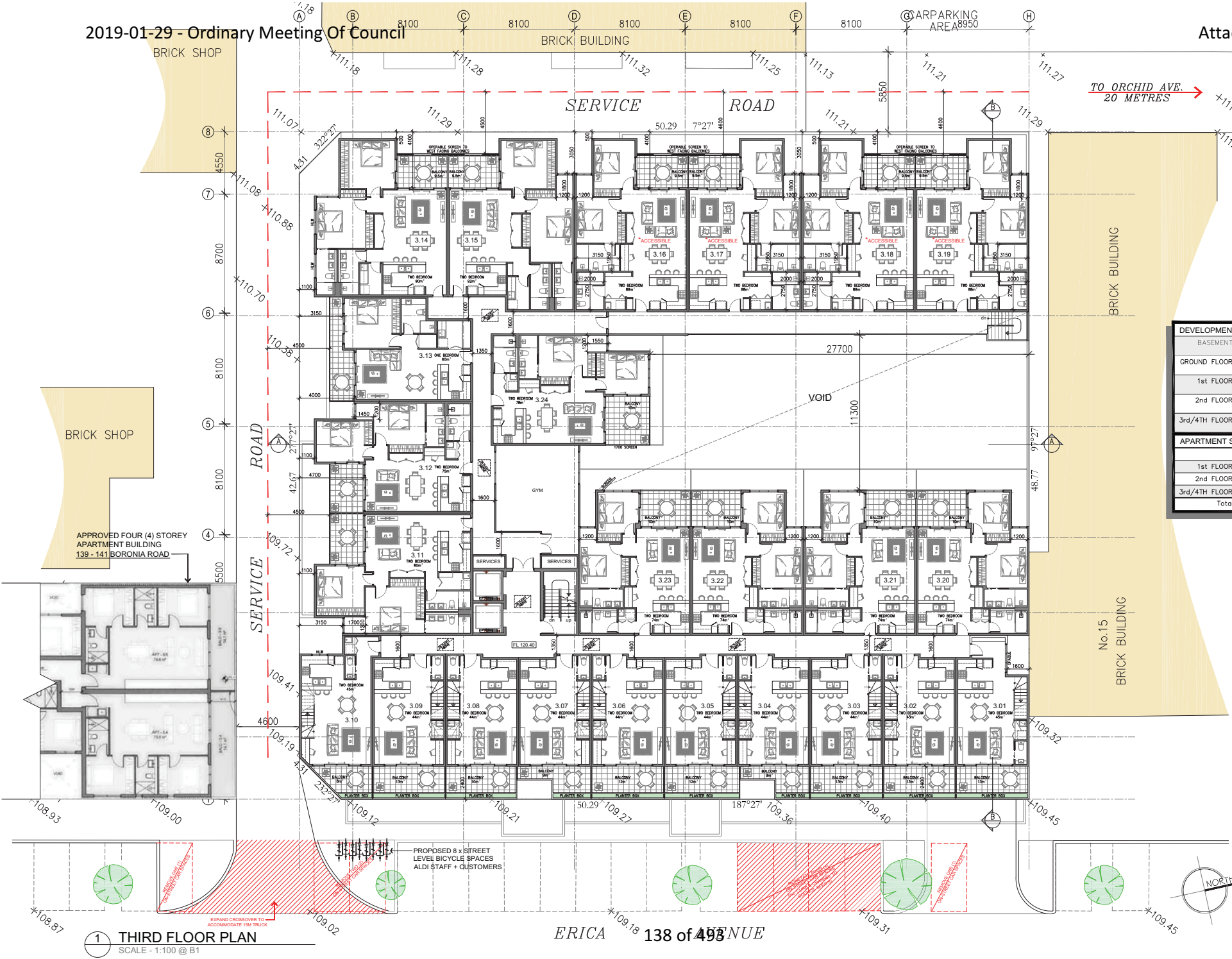
Drawn	LC	Date	OCT 2018
Job No	1714	Scale	1:100 @ B1
Drawing No	TP 06	Revision No	5

Paul Brown Architects Pty Ltd
13 Erica Pl, Hawthorn East, VIC 3123
PH: 03 9588 7006
FX: 03 9588 7007
E-mail: paul@pba.com.au
A.S.No. 88 570 018 287

1 SECOND FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 137 of 493 AVE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY				
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES			
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²			
1st FLOOR	6 x APARTMENTS 50 CAR SPACES			
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²			
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²			
APARTMENT SUMMARY				
	1 BED	2 BED	3 BED	Total
1st FLOOR	0	5	1	6
2nd FLOOR	1	18	1	20
3rd/4TH FLOOR	1	23	0	24
Total	2	46	2	50

NO.	REVISION	DATE
1	APPROVED TO PLANNING APPLICATION	05/01/2018
2	CONSTRUCTION DRAWINGS	04/01/2018
3	APPROVED TO BUILDING APPLICATION	04/01/2018
4	APPROVED TO PLANNING APPLICATION	05/01/2018
5	FINAL PLANNING APPLICATION	05/01/2018

TOWN PLANNING AMENDMENT
APPLICATION P120168170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Third Floor Plan

Drawn Date
LC OCT 2018

Job No Scale
1714 1:100 @ B1

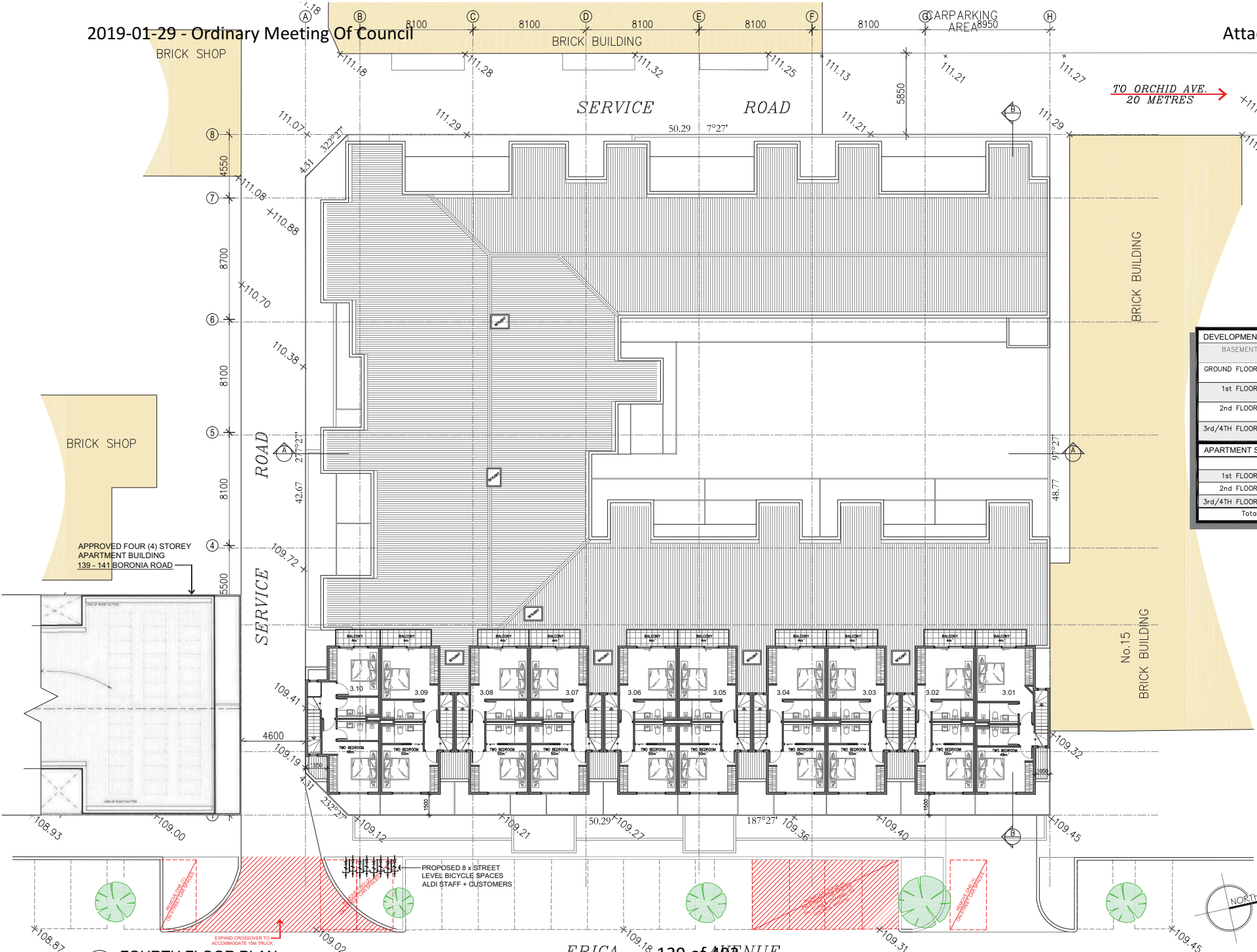
Drawing No Revision No
TP 07 5

Paul Brown Architects Pty Ltd
13 Erica Pl, Hawthorn East, VIC 3123
PH: 039588 7006
FX: 039588 7007
E-mail: paul@pba.com.au
A.S.No. 88 570 and 887

1 THIRD FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 138 of ERICA AVENUE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

NO.	REVISION TO PLANNING APPLICATION	DATE
1	CONSULTING DRAWING	14.02.2018
2	CONSULTING DRAWING	14.02.2018
3	PLAN TO APPROVAL	14.02.2018
4	REVISION TO APPROVAL	05.07.2018
5	FINAL PLANNING APPLICATION	05.07.2018

TOWN PLANNING AMENDMENT
APPLICATION P120168170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Fourth Floor Plan

Drawn: LC Date: OCT 2018
Job No: 1714 Scale: 1:100 @ B1
Drawing No: **TP 08** Revision No: **5**

Project: Peter Brown Architects Pty Ltd
13 Erica Pl, Hawthorn East, VIC 3123
PH: 039588 7006
FX: 039588 7007
E-mail: pba@pba.com.au
A.S.N. 88 570 48 287

1 FOURTH FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 139 of ERICA AVENUE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



1 EAST ELEVATION
ERICA AVENUE



2 WEST ELEVATION

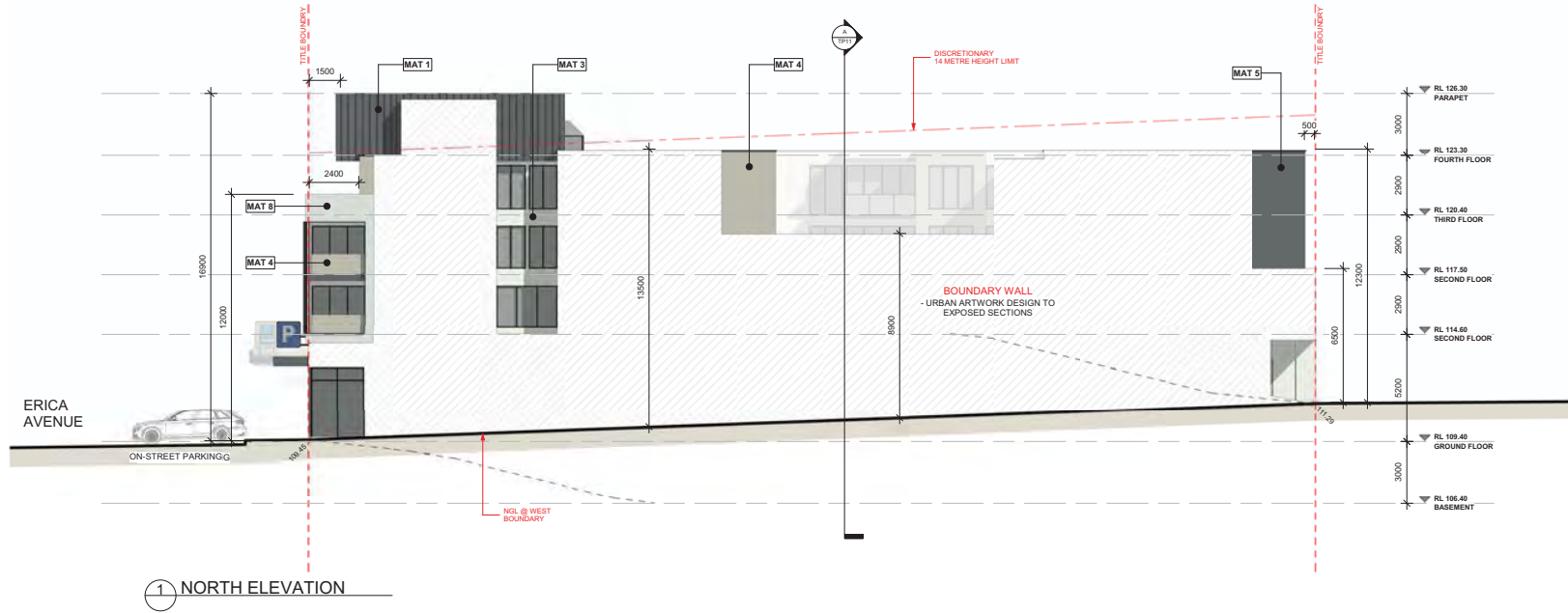


3 ERICA AVENUE STREETScape
1:200

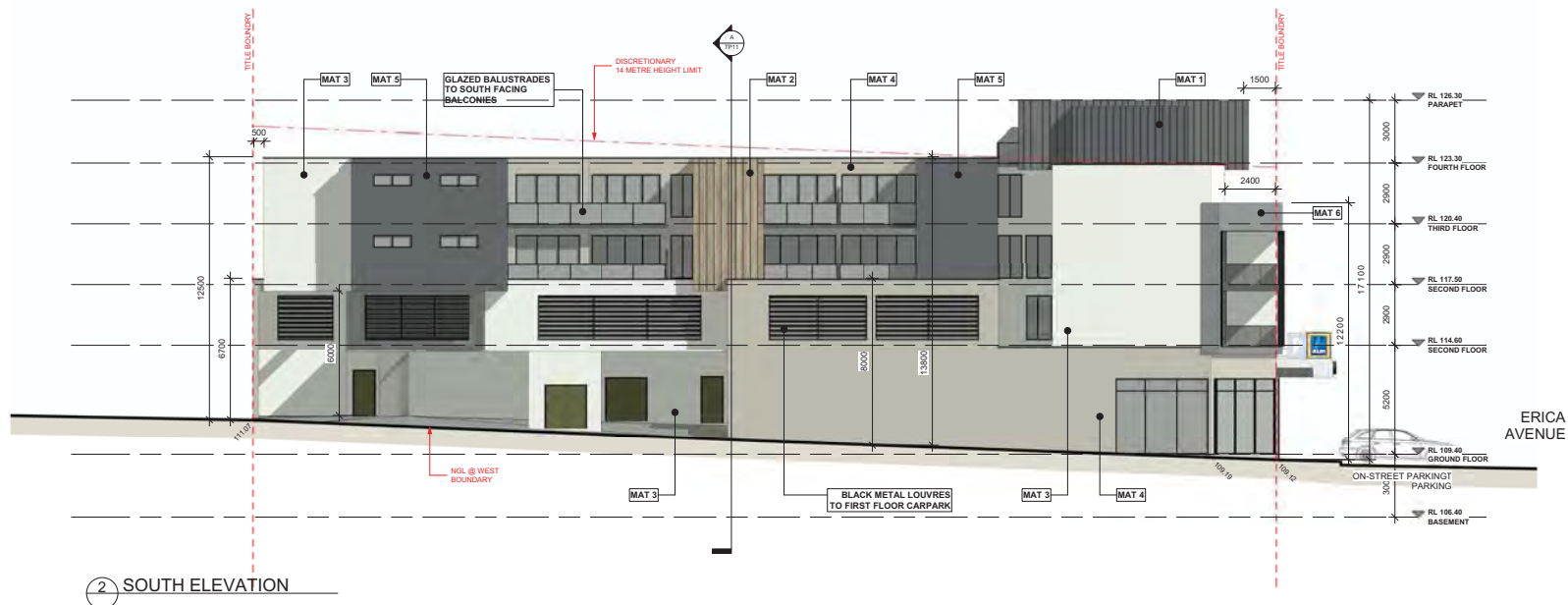


1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2

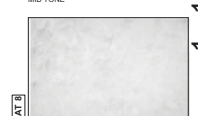
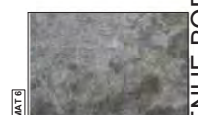
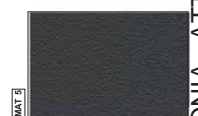
TOWN PLANNING AMENDMENT APPLICATION 19/0000019	
Project: PROP. MIXED USE DEVELOPMENT RETAIL, RESIDENTIAL 1-13 ERICA AVENUE, BORONIA	
Title: EAST ELEVATION WEST ELEVATION STREETSCAPE MATERIALS SCHEDULE	
Drawn: LC	Date: OCT 2018
Job No: 1714	Scale: 1:100 @ B1
Drawing No: TP 09	Revision No: 5
<small> Pines Street Architecture Pty Ltd 15/17 TRCA AVENUE, BORONIA VIC 3083 Ph: 03 9499 7700 Fax: 03 9499 7701 Email: info@psa.com.au A.S. No 19/0000019 </small>	



1 NORTH ELEVATION

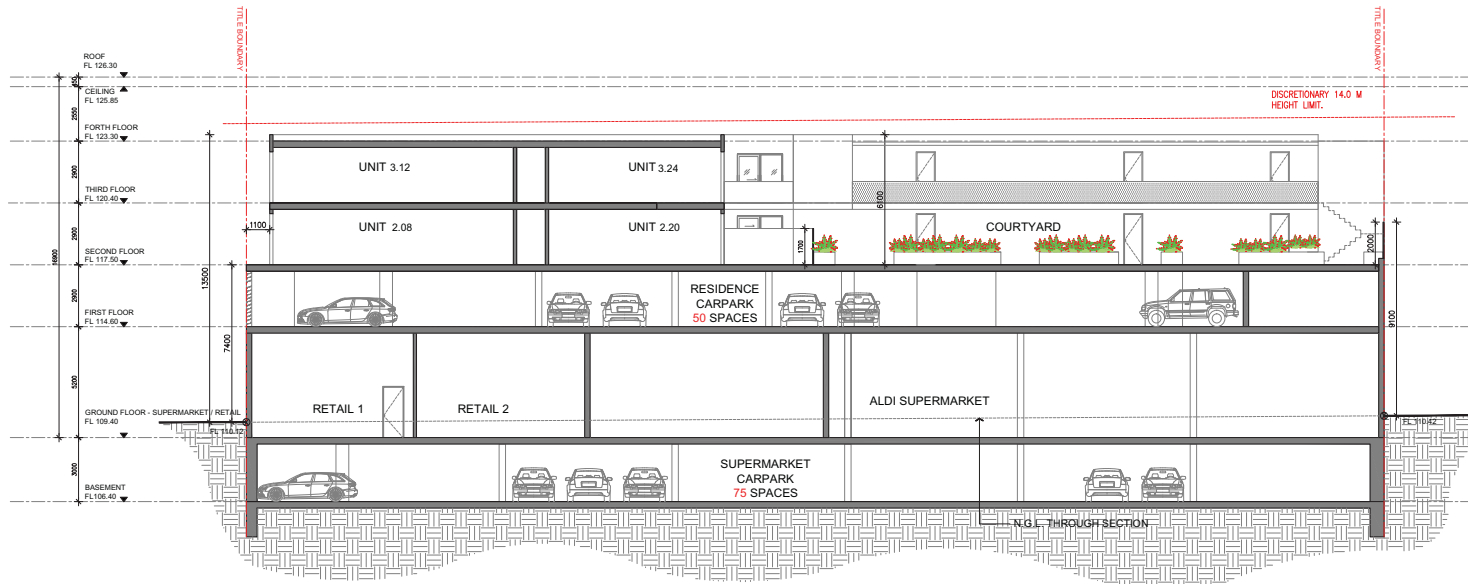


2 SOUTH ELEVATION



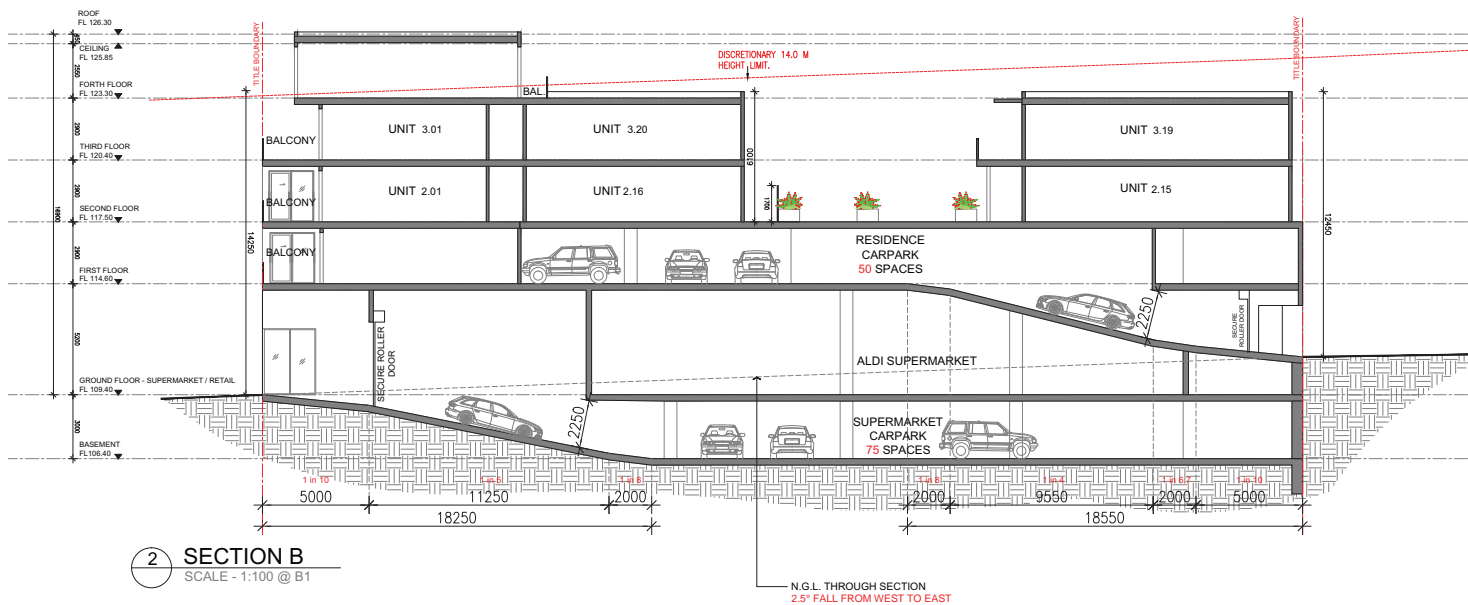
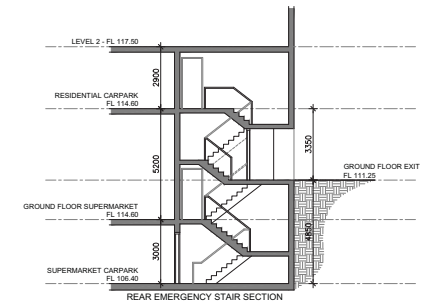
1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2

TOWN PLANNING AMENDMENT APPLICATION 10/18/19	
Project: PROP. MIXED USE DEVELOPMENT RETAIL/RESIDENTIAL 1-13 ERICA AVENUE, BORONIA	
Title: NORTH ELEVATION SOUTH ELEVATION MATERIALS SCHEDULE	
Drawn: LC	Date: OCT 2018
Job No: 1714	Scale: 1:100 @ B1
Drawing No: TP 10	Revision No: 5
<small> Pines Street Architects Pty. Ltd. 15/150 St. Georges Road, Suite 101, 2280 PO BOX 10000, SYDNEY NSW 1585 Phone: (02) 9550 1000 Fax: (02) 9550 1001 A.B.N. 60 010 010 200 </small>	



1 SECTION A
SCALE - 1:100 @ B1

3 SECTION C
SCALE - 1:100 @ B1



2 SECTION B
SCALE - 1:100 @ B1

1	APPROVED TO SUBMIT APPLICATIONS	2017 2018
2	CONSIDERATION PERIOD	2018 2019
3	CONSIDERATION PERIOD	2019 2020
4	APPROVED TO APPLICATION	2020 2021
5	APPROVED TO APPLICATION	2021 2022

TOWN PLANNING AMENDMENT
APPLICATION P2019/0175

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

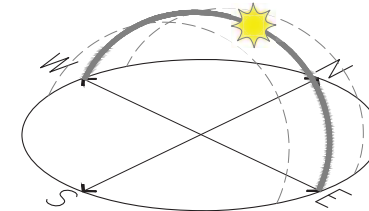
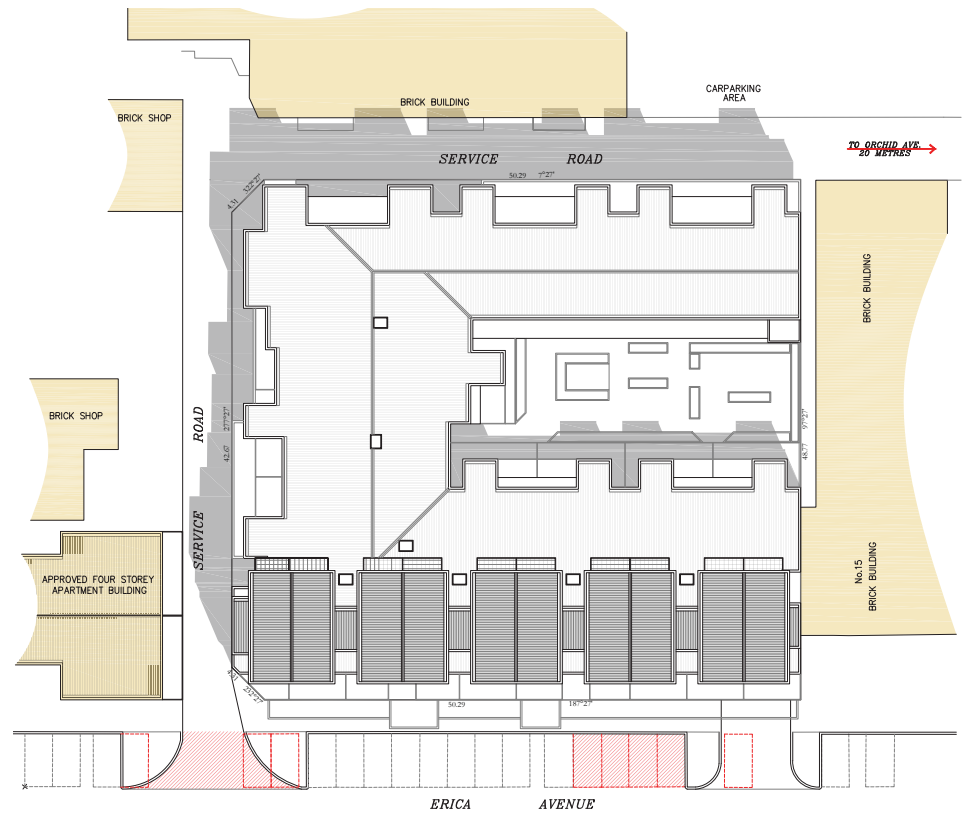
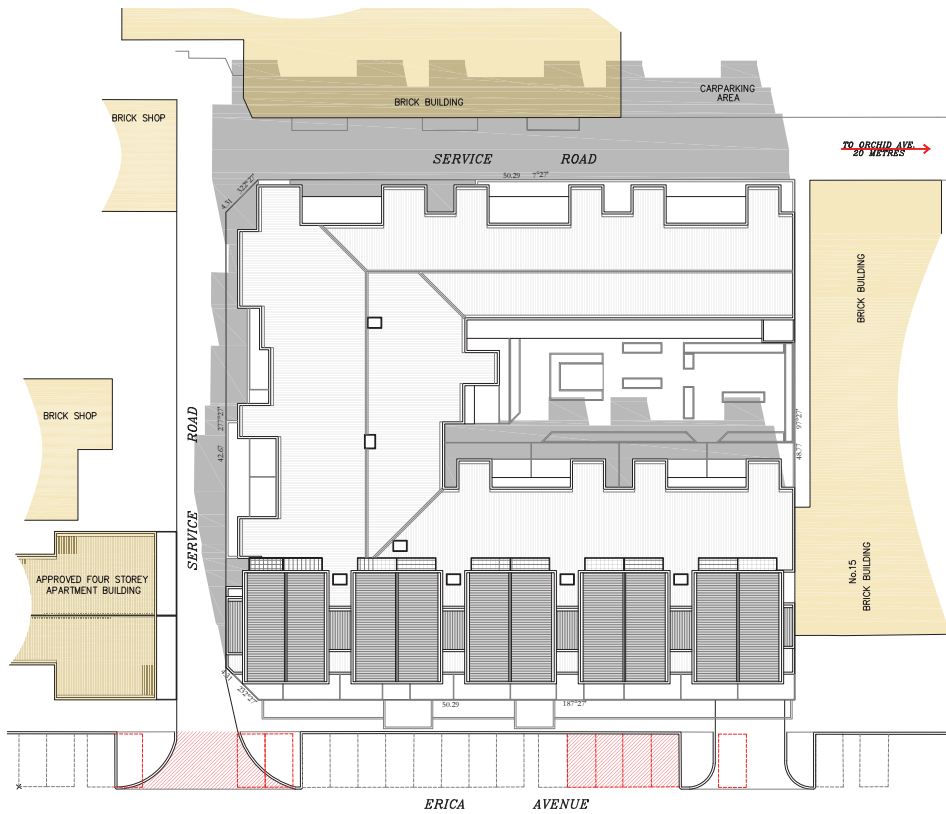
Title
Sections

Drawn
LC / FM
Date
OCT 2018
Job No
1714
Scale
1:100 @ B1

Drawing No
TP 11
Revision No
5

Peter Brown Architects Pty. Ltd.
1 Evans Pl Hawthorn East VIC 3123
Ph: 039482 7068
Fax: 039482 7057
E-mail: pba@pba.com.au
A.A.N. 08 450 445 287

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200



1	APPROVED TO PLANNING APPLICATION	2017 2018
2	CONSULTING DRAUGHTSMAN	2017 2018
3	CONSULTING DRAUGHTSMAN	2017 2018
4	PLANNING APPLICATION	2017 2018
5	APPROVED TO PLANNING APPLICATION	2017 2018
6	OTHER PLANNING APPLICATION	2017 2018

TOWN PLANNING AMENDMENT
APPLICATION P1201668170

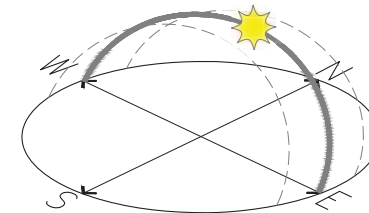
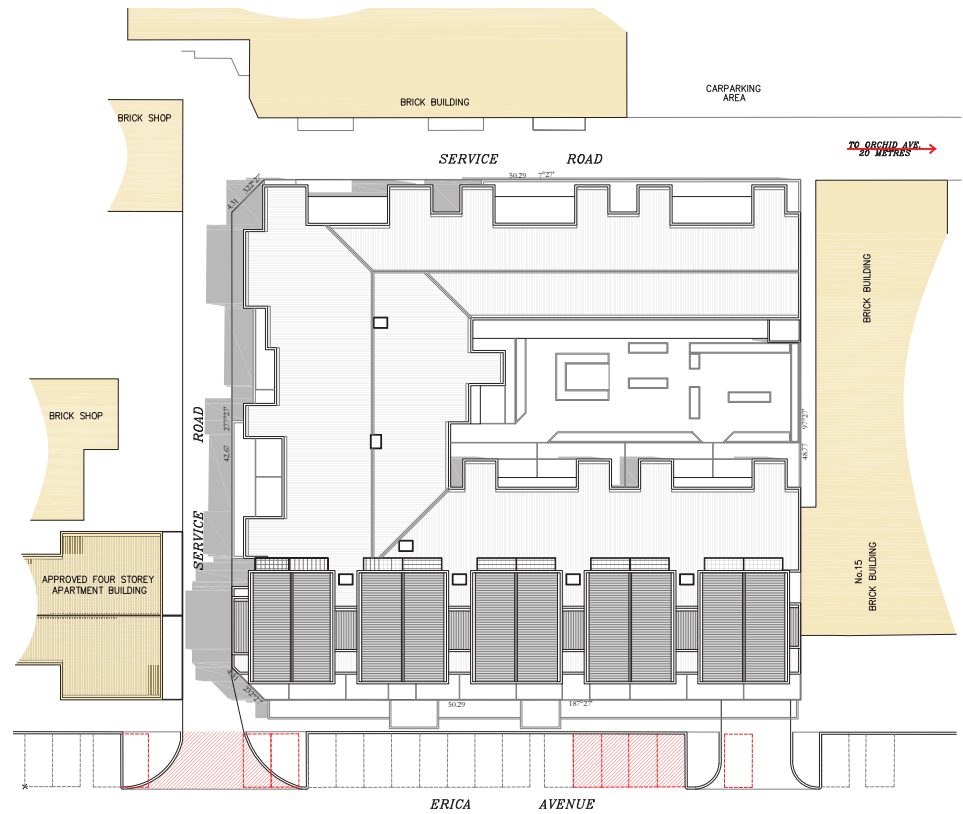
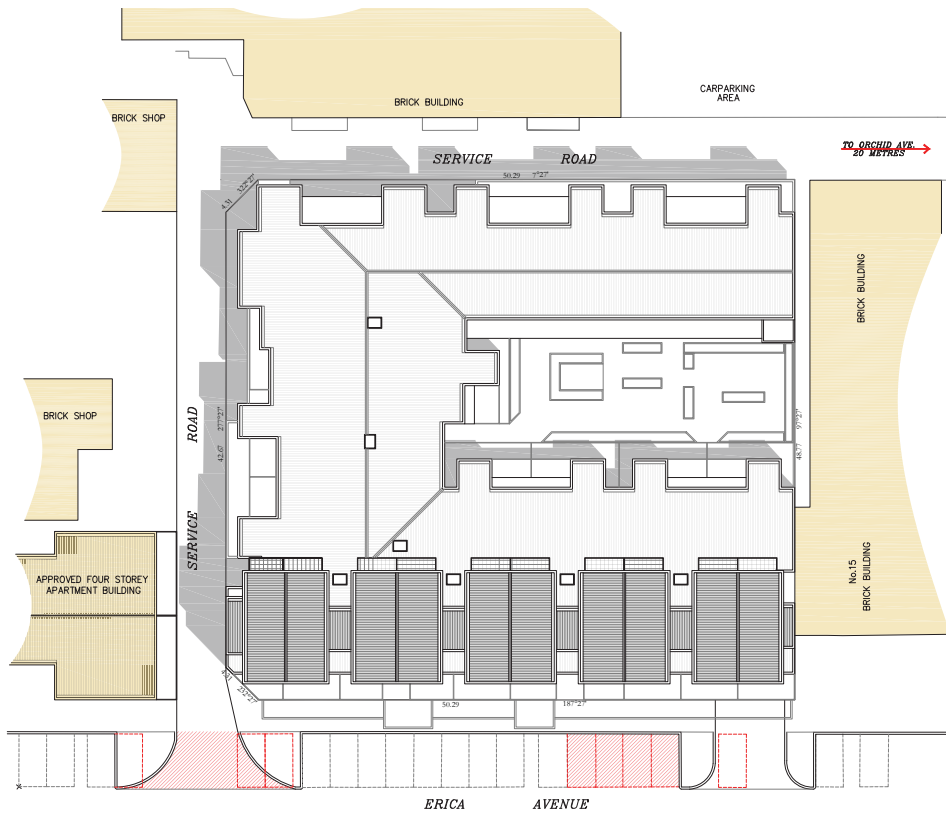
Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
9am - 10pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 12	5

Patric Brown Architects Pty Ltd
13 Erica Pl, Hardham East, VA 3123
Ph: 0339882 7006
Fax: 0339882 7007
E-mail: pat@pbarch.com.au
A.S.N. 88 570 and 287

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200



1	APPROVED TO PLANNING APPLICATION	201 2018
2	CONSULTING DRAUGHTSMAN	201 2018
3	CONSULTING DRAUGHTSMAN	201 2018
4	PLANNING APPLICATION	201 2018
5	APPROVED TO PLANNING APPLICATION	201 2018
6	FINAL PLANNING APPLICATION	201 2018

TOWN PLANNING AMENDMENT
APPLICATION P1201668170

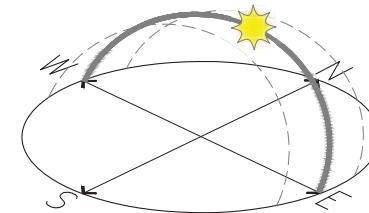
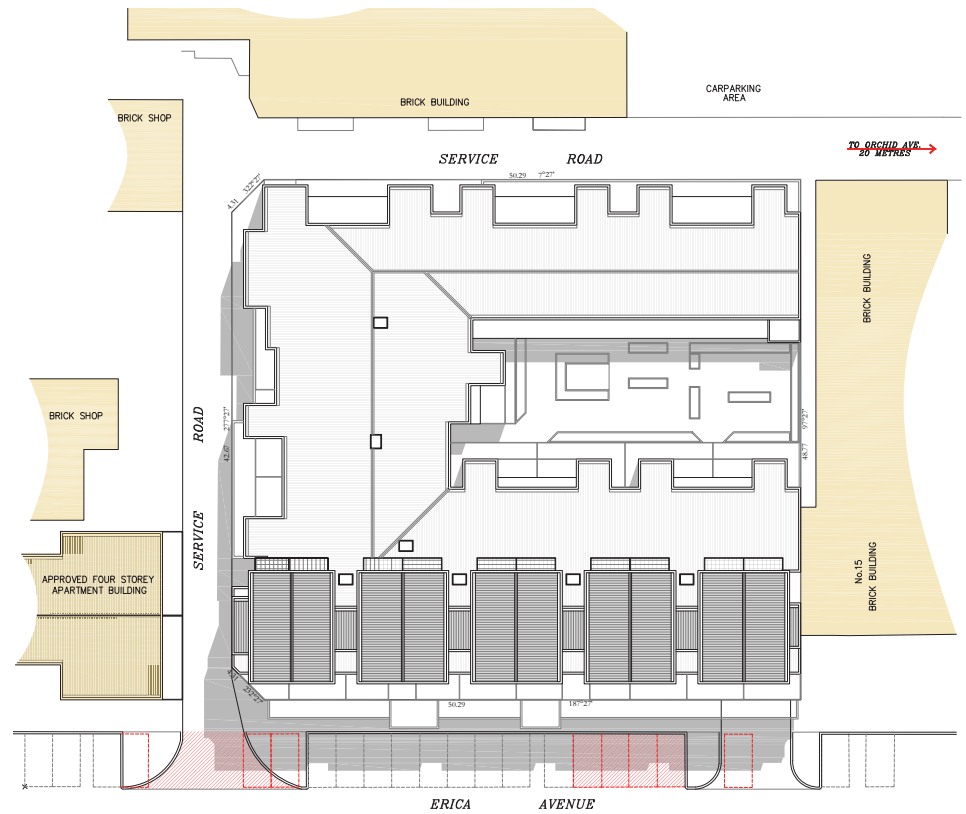
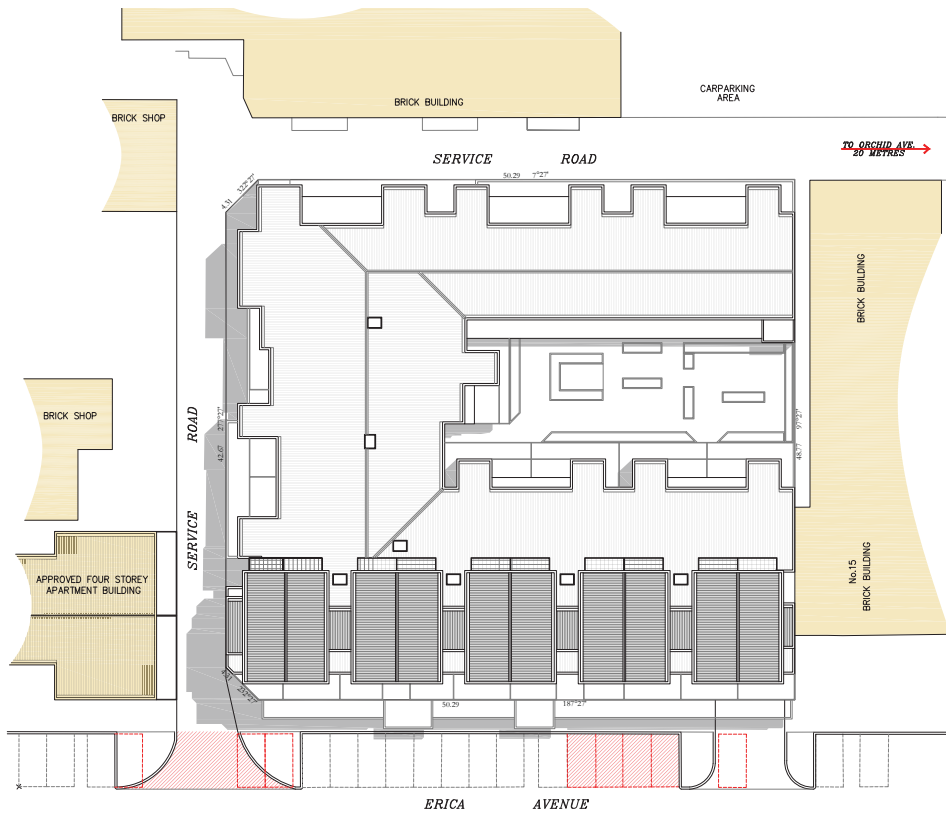
Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
11am - 12pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 13	5

Patric Brown Architects Pty Ltd
13 Erica Pl, Hawthorn East, VIC 3123
No. 0204862 7006
Fax 0204862 7007
E-mail: pat@pbrown.com.au
A.B.N. 68 570 448 287

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200



1	APPROVED TO PLANNING APPLICATION	201 2018
2	CONSULTING DRAUGHTSMAN	201 2018
3	CONSULTING DRAUGHTSMAN	201 2018
4	PLANNING APPLICATION	201 2018
5	APPROVED TO PLANNING APPLICATION	201 2018
6	OTHER PLANNING APPLICATION	201 2018

TOWN PLANNING AMENDMENT
APPLICATION P1201668170

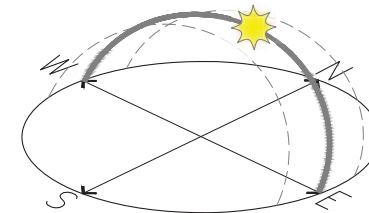
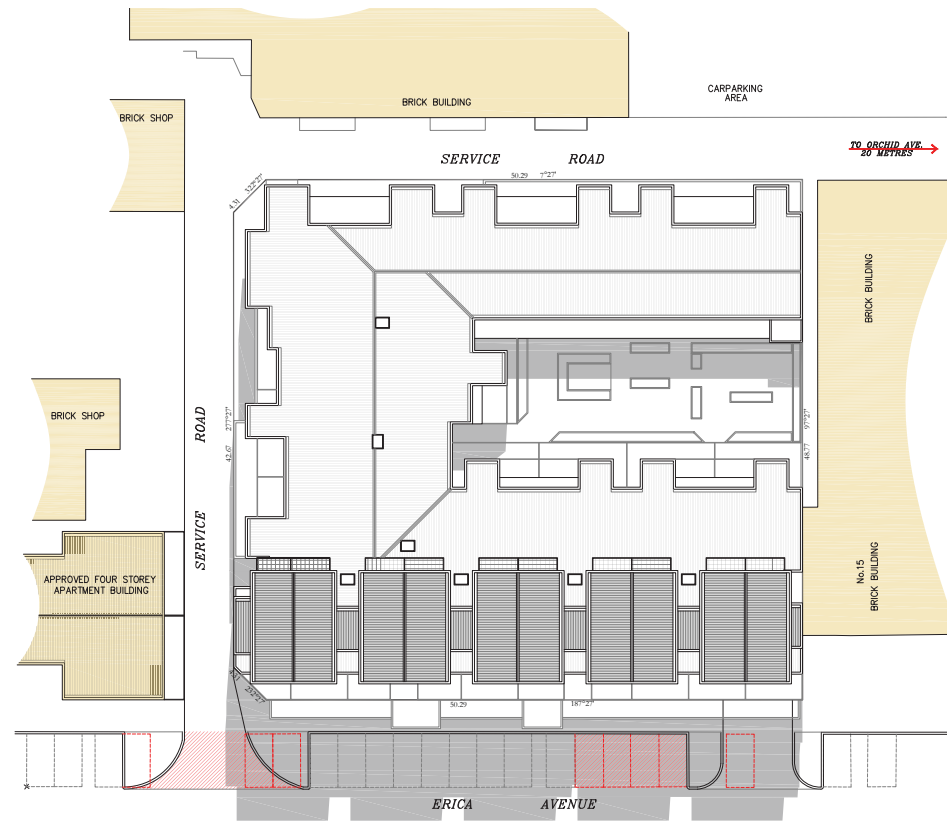
Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
1pm - 2pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 14	5

Patric Brown Architects Pty Ltd.
3 Essex Pl, Hawthorn East, VIC 3123
Ph: 039582 7006
Fax: 039582 7007
E-mail: pat@pbrown.com.au
A.B.N. 68 570 468 287

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200

1	APPROVED TO PLANNING APPLICATION	OCT 2018
2	CONSULTING DRAWINGS	SEP 2018
3	CONSULTING DRAWINGS	AUG 2018
4	REV. TO APPROVAL	MAY 2018
5	APPROVED TO APPROVAL	SEP 2017
6	FINAL PLANNING APPLICATION	SEP 2014

TOWN PLANNING AMENDMENT
APPLICATION P120168170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
3pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 15	5

Patric Brown Architects Pty Ltd.
3 Essex Pl, Hawthorn East, VIC 3123
Ph: 039882 7006
Fax: 039882 7007
E-mail: pat@pba.com.au
A.M.A. 88 570 and 887

13 ERICA AVENUE BORONIA ATTACHMENT 2

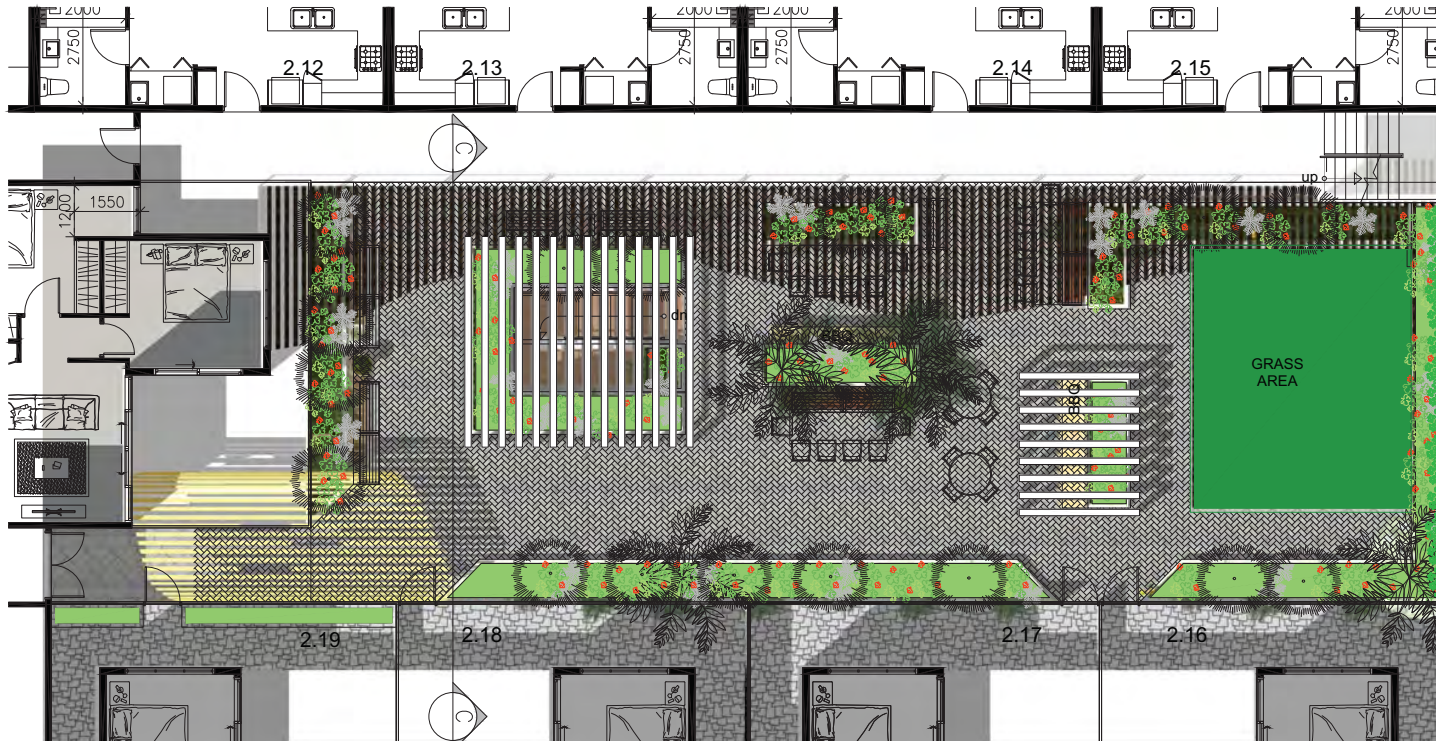


SECTION C

1700mm SOLID FENCE

COURTYARD SECTION

SCALE: 1:50



CENTRAL COURTYARD
SCALE: 1:50

- LANDSCAPE LEGEND
- PROPOSED MEDIUM TREES (APPROX. 2.5-3M HIGH)
 - PROPOSED SMALL SCREENING TREES (APPROX. 1.5M HIGH)
 - PROPOSED NEW LOW SHRUBS
 - PROPOSED CLIMBING PLANT
 - PROPOSED LANDSCAPE AREA.
 - PROPOSED ARTIFICIAL TURF.



5	APPROVED TO PLANNING APPLICATION	OCT 2018
4	CONSULTATION DRAWS	SEP 2018
3	CONSULTATION DRAWS	AUG 2018
2	DATA TO ARCHITECT	APR 2018
1	APPROVED TO APPLICATION	DEC 2017
-	TOWN PLANNING APPLICATION	OCT 2016

TOWN PLANNING AMENDMENT
APPLICATION P/2016/0175

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Courtyard

Drawn
Date
File
Job No
Scale

1714
1:100 @ B1

Drawing No
Revision No
TP 20
5

Peter Brown Architects Pty. Ltd.
9 Evans Pl. Hawthorn East Vic.3123
PH: 0395962 7066
FX: 0395962 7007
E-mail: pba@pba.com.au
A.B.N. 63 070 418 187

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2

AERIAL PHOTO SHOWING VIEW LINES FROM TORMORE RESERVE TOWARD DANDENONG RANGES AND THE RELATIVE POSITIONS OF RECENT DEVELOPMENTS - INCLUDING THE PROPOSED 1-13 ERICA AVENUE

2019-01-29 Ordinary Meeting Of Council

Attachment 4.2



PHOTO FROM POINT 'A' ABOVE - SHOWING POSITIONS OF RECENT DEVELOPMENTS BEYOND THE EXISTING TREE LINE. NOTE - THE PROPOSED 1-13 ERICA AVE DEVELOPMENT WILL BE COMPLETELY OBSCURED BY TREES AND WILL HAVE ZERO IMPACT ON THE VIEWS FROM TORMORE RESERVE.



16 ORCHID AVENUE
COMPLETED DEVELOPMENT
ROOF AHD 123.55

4B ORCHID AVENUE
COMPLETED DEVELOPMENT
ROOF AHD 120.85

31-39 ERICA AVE
APPROVED DEVELOPMENT
ROOF AHD 125.85

1-13 ERICA AVE.
PROPOSED DEVELOPMENT
ROOF AHD 126.30

CAMERA ELEVATION
AHD 124.00

TORMORE RESERVE AMENITY IMPACT
VIEWS TOWARD DANDENONG RANGES FROM TORMORE RESERVE - SHOWN FROM HIGHEST POINT POSSIBLE.

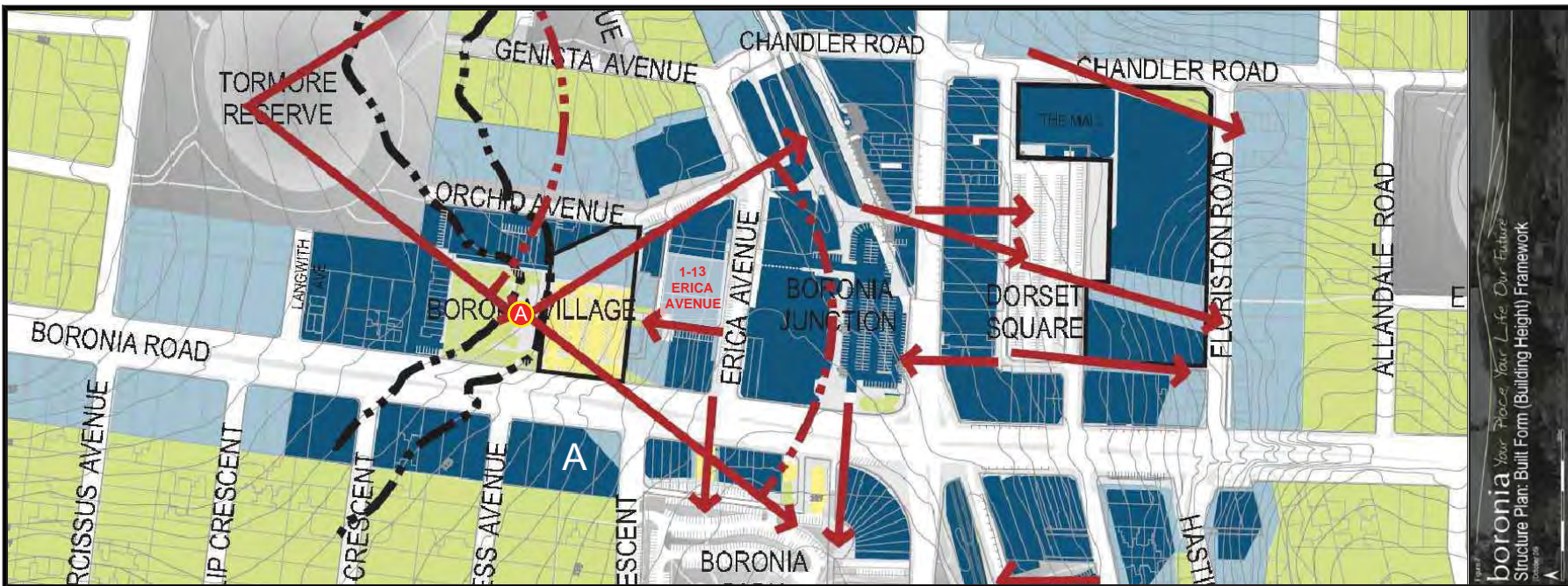
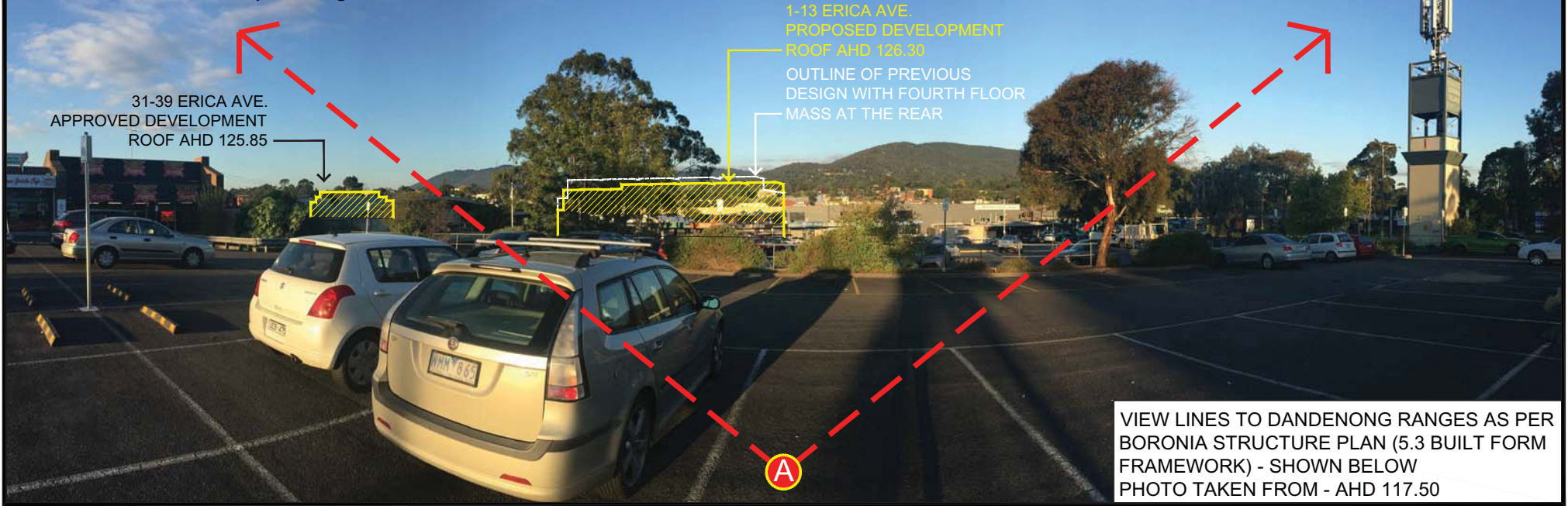
1	PROPOSED TO PLANNING APPLICATION	OCT 2018
1	CONSIDERATION DURING	OCT 2018
2	CONSIDERATION DURING	AUG 2019
1	PLANNING APPLICATION	MAY 2018
1	PROPOSED TO PLANNING APPLICATION	DEC 2017
1	PROPOSED TO PLANNING APPLICATION	OCT 2018

TOWN PLANNING AMENDMENT
APPLICATION P10185875

Project	
PROP. MIXED USE DEVELOPMENT RETAIL / RESIDENTIAL 1 - 13 ERICA AVE, BORONIA	
Title	
Tormore Reserve Amenity Impact	
Drawn	Date
LC	OCT 2018
Job No	Scale
1714	AS SHOWN @ B1
Drawing No	Revision No
TP 22	5

Patric Brown Architects Pty. Ltd.
8 Esna Pl. Hawthorn East VIC 3123
Ph: (03) 9488 7988
Fax: (03) 9488 7927
E-mail: info@pba.com.au
A.B.N. 66 070 468 287

1-13 ERICA AVENUE BORONIA ATTACHMENT 2



1	AMENDMENT TO PLANNING APPLICATION	OCT 2018
2	CONSULTATIVE DRAVING	SEP 2018
3	CONSULTATIVE DRAVING	AUG 2018
4	REF TO MEMORANDUM	AUG 2018
5	MEMORANDUM TO APPLICATION	AUG 2017
6	TOWN PLANNING APPLICATION	FEB 2016
REV	STATUS	DATE

TOWN PLANNING AMENDMENT
APPLICATION P/2018/175

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Boronia Village Amenity Impact

Drawn LC	Date OCT 2018
Job No 1714	Scale AS SHOWN @ B1

Drawing No TP 23	Revision No 5
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Peter Brown Architects Pty. Ltd.
9 Evans Pl, Hawthorn East, VIC 3123
Ph: (03)9882 7966
Fax: (03)9882 7507
E-mail: pba@pbaarch.com.au
A.B.N. 88 070 418 287



BORONIA VILLAGE AMENITY IMPACT

VIEWS TOWARD DANDENONG RANGES FROM BORONIA VILLAGE SHOWN AS PER BORONIA STRUCTURE PLAN.